

REPORT  
OF THE  
WORK OF THE PUBLIC ARCHIVES  
FOR THE YEAR 1913

ARTHUR G. DOUGHTY

PUBLIC ARCHIVIST.

*PRINTED BY ORDER OF PARLIAMENT*



OTTAWA

PRINTED BY J. DE L. TACHÉ, PRINTER TO THE KING'S MOST  
EXCELLENT MAJESTY

1914







OTTAWA, December 30, 1913.

The Hon. LOUIS CODERRE, K.C.,  
Secretary of State,  
Ottawa.

SIR,—I have the honour to submit the following report of the work of the Archives Branch for the year ending the 31st of March, 1913.

During the past year many additions have been made in the Division of Manuscripts, including Transcripts from the Public Records Office, the Foreign Office, Hudson's Bay Company, British Museum, Les Archives des Colonies, Le Ministère des affaires Etrangères, and the Department des Fortifications. The Manuscript Journals of the House of Assembly of Lower Canada have been transferred from the House of Commons to the Archives, also a number of documents from the Department of Indian Affairs and the Department of Militia and Defence. Transcripts have been made of various documents in the Seminary of St. Sulpice at Montreal, in the Court House and in other Religious Institutions. From the Maritime Provinces, we have received the papers of Joseph Howe, George Johnson and of Joseph Laurence; also various miscellaneous documents which are indicated in the Calendar.

A summary has also been made of the public letters between the years 1801 and 1824 found in the Neilson Collection. The remainder of the papers will be published next year. The papers of Bishop Inglis have also been completed. Several valuable original papers relating to Nova Scotia were presented to the Archives by the British Government, a summary of which is given in appendix 'C.'

The second volume of Constitutional Documents is nearing completion and the two volumes on Prairie Legislation are now in the Press. A new catalogue of additions to our Pamphlet library and a catalogue of prints and engravings are now in course of preparation.

I have the honour to be, sir,  
Your obedient servant,

A. G. DOUGHTY.







## APPENDICES TO ARCHIVES REPORT.

A.—Documents added to the Manuscript Division.

B.—Maps added to the Map Division.

C.—List of Acts of the Province of Nova Scotia, 1749-1753.

List of Acts of the Province of New Brunswick, 1795-1798.

List of Ordinances of Cape Breton, 1790-1803.

List of Duplicate Despatches, Amherst and Boscawen, 1758.

D.—Schedule of the John Lowe Papers.

E.—Ordinances made for the Province of Quebec since the Establishment of Civil Government until 1767.

F.—Memorandum by the Honourable Toussaint Pothier on political conditions in Canada, 1829.

G.—Calendar of the Public Letters in the Neilson Collection, between the years 1801 and 1824.

H.—Abstract of Political Correspondence relating to the affairs of the United States (1780-1781) in the Ministry of Foreign Affairs, France. (Continuation of correspondence calendared in report of 1912.)

I.—Completion of the correspondence and journals of the Right Reverend Charles Inglis, and John Inglis, first and third Bishops of Nova Scotia.



## APPENDIX A.

MANUSCRIPTS RECEIVED AND PLACED ON THE SHELVES DURING  
THE YEAR ENDED 31st MARCH, 1913.

## TRANSCRIPTS FROM EUROPE.\*

## FROM ENGLAND.

## PUBLIC RECORD OFFICE.

## C.O. 5.

Volume 11, list only.

" 12, "

" 13, 1746-1753. American despatches to the Secretary of State.

" 14, 1753-1754. " " " "

" 15, 1754-1755. " " " "

" 16, 1755. " " " "

" 17, 1755-1756. " " " "

" 18, 1757-1758. " " " "

" 19, 1759. " " " "

" 20, 1760-1761. " " " "

" 855, 1689-1691. Board of Trade correspondence, New England.

" 856, 1689-1691. " " " "

" 857, 1692-1693. " " " "

## C.O. 42.

Volume 18, 1786. Quebec miscellaneous.

" 19, 1787. " "

" 20, 1765-1789. " "

## C.O. 188.

Volume 37, 1828. New Brunswick state papers.

## C.O. 217.

Volume 96, 1815. Nova Scotia state papers.

" 136, 1818. Cape Breton state papers.

" 137, 1819. Cape Breton state papers.

## C.O. 221.

Volume 30, 1758-1761. Naval returns, Halifax.

## C.O. 226.

Volume 36, 1820. Prince Edward Island state papers.

" 37, 1821. Prince Edward Island state papers.

\* Where not otherwise indicated, the documents are transcripts and not originals.



## SESSIONAL PAPER No. 29b

## C.O. 412 (Duplicates).

Volume 3, 1758. Louisburg despatches.

- " 471, 1789-1790. Précis of New Brunswick correspondence.
- " 472, 1786. Journal of the Legislative Council of New Brunswick.
- " 491, 1788-1789. Précis of Nova Scotia correspondence.
- " 492, 1789-1790. Précis of Cape Breton correspondence.
- " 493, 1749-1753. Ordinances of Nova Scotia.
- " 495, 1770-1775. Acts of the Assembly of Nova Scotia.
- " 496, 1775-1782. Acts of the Assembly of Nova Scotia.
- " 497, 1768-1779. Journal of the Legislative Council of Nova Scotia.
- " 498, 1770-1775. Minutes of the Executive Council of Nova Scotia.
- June-July, 1781. Journal of the Legislative Council of Nova Scotia.
- " 506, 1789-1790. Précis of Prince Edward Island correspondence.
- 1795-1798. Acts of New Brunswick.
- 1790-1803. Ordinances of Cape Breton.

## W.O. 12.

Muster roll of the 3rd battalion of the 60th regiment, April 24-Oct. 24, 1759.  
 Muster roll of the 22nd regiment, Oct. 25, 1759-April 24, 1760.  
 Muster roll of the 27th regiment, Oct. 25, 1759-April 24, 1760  
 Muster rolls of the 15th regiment, 1760-1767.

## F.O. 95, Volume 511, 1782-1783.

## SHELBURNE MANUSCRIPTS.

Volume 64, 1751-1766.

- " 65, 1763-1767.
- " 66, 1764-1782.
- " 67, 1769-1782.
- " 68, 1781-1782.
- " 69, 1782-1783.
- " 70, 1782.
- " 71, 1782-1783.

## HUDSON'S BAY COMPANY.

Journals at York Fort, 1716-1722.  
 Councils, sailing orders, and letters, York Fort, 1719-1720.  
 Council book and letters, York Fort, 1722.  
 Journal at Prince Wales Fort, 1722-1723.

## PHILLIPPS COLLECTION (ORIGINALS).

Case of Francis Christie *vs.* Francis Knipe.  
 Affidavits of inhabitants of Quebec on various matters. 2 vols.  
 Various original documents relating to the army in Canada, 1766-1795.  
 Grant of the island of Rustico to David Lawson, May 2, 1785.  
 Sundry military and civil papers, Quebec, 1760-1772.  
 Case of Hugh Palliser, 1766.  
 Collection of original papers of Sir Hugh Palliser relative to Labrador, 1764-1768.  
 Accounts and lists relating to settlers victualled at Lunenburg and Halifax,  
 1749-1756.  
 Remarks on the Protection Act, Indian affairs, and liquor duties of Nova Scotia.  
 Various papers relating to Nova Scotia.



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Letters to James Murray from relatives, 1759-1767. (Transcript.)

Letters from Admiral Murray to James Murray, 1757-1778.

One volume containing the following items:—

Minute-book of the Port Roseway Associates, 1782-1783.

Muster-book of the free black settlement at Birchtown.

Petition of overseers of the poor to the magistrates of Shelburne, 1789.

Sketch of Shelburne manners, 1787.

#### MISCELLANEOUS.

Letters of James Wolfe, 1740-1759. 2 vols.

Commissions of Gen. Edward Wolfe and Gen. James Wolfe, 1702-1758.

Journal of the Chevalier de Johnstone.

History of the Jesuits in New France. Book XIII, part VI. By R. P. Jaques.

Journal of Vice-Adm. Alexander Lord Colville, 1732-1764. (Photostat copy.)

Copies of reports on the governments of Montreal and Three Rivers [by Gage and Burton], in reply to inquiries of the Board of Trade transmitted in a despatch of March 9, 1763.

Minute of the Board of Trade on various laws passed in the plantations, May 9, 1767. (Draft.)

Letter from Shelburne to the President of the Privy Council, transmitting a request from the House of Lords for copies of the commission and instructions to the governor of Quebec, etc., May 21, 1767. (Original enclosure also present.)

Minute of the Board of Trade on the draft of the new instructions for the governor of Quebec on the courts of judicature, May 29, 1767. (Original.)

#### FROM FRANCE.

#### ARCHIVES DES COLONIES.

#### *Series B.*

(Ordres du Roi. Despatches from the king and his minister to officials in North America, the West Indies, and at La Rochelle and Rochefort.)

Volume 68, 1739.

“ 69, “

“ 70, 1740.

“ 71, “

“ 72, 1741.

“ 73, “

“ 74, 1742.

“ 75, “

“ 76, 1743.

“ 77, “

“ 78, 1744.

“ 79, “

“ 80, 1729-1744.

“ 81, 1745.

“ 82, “

“ 83, 1746.

“ 84, “

“ 85, 1747.

“ 86, “

“ 87, 1748.

“ 88, “



## SESSIONAL PAPER No. 29b

*Series D.<sup>2</sup>*

## (Military Rolls.)

Volume 48, Canada et Ile Royale. Compagnies Détachées, 1737-1771.

" 49, Canada. Etats-Majors Généraux, 1694-1774.

## DÉPOT DES FORTIFICATIONS DES COLONIES.

Carton 3, 1700-1784.

## ARCHIVES DE LA MARINE.

*Series B.<sup>1</sup>*

Volume 1, 1715.

" 2, "

" 3, 1716.

" 4, "

" 5, "

" 6, "

" 7, "

## MINISTÈRE DES AFFAIRES ETRANGÈRES.

*Correspondence Politique.*

## Etats-Unis.

Volume 12, 1780.

" 13, "

" 14, "

" 15, 1781.

" 16, "

" 17, "

" 18, "

" 19, "

## ARCHEVÊCHÉ DE PARIS.

*Ordinations.*

Volume I, 1748-1754.

" II, 1761-1770.

" III, 1774-1777.

" IV, 1791-1792.

" V, 1791-1810.

" VI, 1810-1822.

" VII, 1822-1836.

" VIII, 1837-1842.

" IX, 1842-1861.

" X, 1861-1877.

" XI, 1877-1889.

## ORIGINAL RECORDS TRANSFERRED FROM THE PUBLIC DEPARTMENTS.

## HOUSE OF COMMONS.

*Manuscript Journals of the House of Assembly of Lower Canada.*

Dec. 17, 1792-May 9, 1793. (English.)

Jan. 22-May 9, 1792. (French.)

Nov. 11, 1793-May 31, 1794. (English.)

Nov. 11, 1793-May 31, 1794. (English.)



- Jan. 5-May 7, 1795. (French.)  
 Nov. 20, 1795-May 7, 1796. (English.)  
 Nov. 20, 1795-May 7, 1796. (French.)  
 Jan. 24-May 2, 1797. (English.)  
 Jan. 24-May 2, 1797. (French.)  
 Feb. 20-May 11, 1798. (English.)  
 Feb. 20-May 10, 1798. (French.)  
 March 28-June 3, 1799. (English.)  
 March 28-June 3, 1799. (French.)  
 March 5-May 29, 1800. (English.)  
 March 5-May 29, 1800. (French.)  
 Jan. 8-April 8, 1801. (English.)  
 Jan. 8-April 7, 1801. (French.)  
 Jan. 11-April 5, 1802. (English.)  
 Jan. 11-April 5, 1802. (French.)  
 Feb. 8-April 18, 1803. (English.)  
 Feb. 8-April 18, 1803. (French.)  
 Aug. 2-Aug. 11, 1803. (English and French in one volume.)  
 Feb. 10-May 2, 1804. (English.)  
 Feb. 10-May 2, 1804. (French.)  
 Jan. 9-March 25, 1805. (English.)  
 Jan. 9-March 25, 1805. (French.)  
 Feb. 20-April 19, 1806. (English.)  
 Feb. 20-April 17, 1806. (French.)  
 Jan. 21-April 16, 1807. (French.)  
 Jan. 29-April 14, 1808. (English.)  
 Jan. 29-April 14, 1808. (French.)  
 April 10-May 15, 1809. (English.)  
 April 10-May 15, 1809. (French.)  
 Jan. 29-Feb. 26, 1810. (English.)  
 Jan. 29-Feb. 26, 1810. (French.)  
 Dec. 12, 1810-March 21, 1811. (English.)  
 Dec. 12, 1810-March 21, 1811. (French.)  
 Feb. 21-May 19, 1812. (English.)  
 Feb. 21-May 19, 1812. (French.)  
 July 16-Aug. 1, 1812. }  
 Dec. 29, 1812-Feb. 15, 1813. } (English. In one volume.)  
 July 16-Aug. 1, 1812. }  
 Dec. 29, 1812-Feb. 15, 1813. } (French. In one volume.)  
 Jan. 13-March 17, 1814. (French.)  
 Jan. 21-March 25, 1815. (French.)  
 Jan. 26-Feb. 26, 1816. (French.)  
 Jan. 15-March 22, 1817. (English.)  
 Jan. 15-March 22, 1817. (French.)  
 Jan. 7-April 1, 1818. (French.)  
 Jan. 12-April 24, 1819. (English.)  
 Jan. 12-April 24, 1819. (French.)  
 April 11-April 24, 1820. }  
 Dec. 14, 1820-March 17, 1821. } (French. In one volume.)  
 Dec. 11, 1821-Feb. 18, 1822. (English.)  
 Dec. 11, 1821-Feb. 18, 1822. (French.)  
 Jan. 10-March 22, 1823. (French.)  
 Nov. 25, 1823-March 9, 1824. (English.)  
 Nov. 25, 1823-March 9, 1824. (French.)



## SESSIONAL PAPER No. 29b

Jan. 8-March 22, 1825. (French.)  
 Jan. 21-March 29, 1826. (French.)  
 Jan. 23-March 7, 1827. (French.)  
 Nov. 21, 1828-March 14, 1829. (French.)  
 Jan. 22-March 26, 1830. (French.)  
 Jan. 24-March 31, 1831. (French.)  
 Nov. 15, 1831-Feb. 25, 1832. (French.)  
 Nov. 15, 1832-April 3, 1833. (French.)  
 Jan. 7-March 18, 1834. (French.)  
 Feb. 21-March 18, 1835. (French.)  
 Oct. 27, 1835-March 21, 1836. (English.)  
 Oct. 27, 1835-March 21, 1836. (French.)  
 Aug. 18-Aug. 26, 1837. (French.)

*Miscellaneous.*

Ordres du jour, 1835-1836.

Titles of bills, with the names of the persons by whom they were introduced, 1831-1836. (4 vols.)

Minutes of the Royal Commission on the Canadian Pacific Railway Inquiry, May 1-July 3, 1873.

Parchment rolls containing the oaths of allegiance of the members of the Legislative Assembly of Canada under the Union. (Original rolls for the sixth, seventh and eighth parliaments, and a copy of that for the fourth parliament.)

Votes and proceedings of the Legislative Assembly of Canada. Aug. 19, 1852-June 14, 1853. (Printed.)

## DEPARTMENT OF INDIAN AFFAIRS.

Orders in Council, 1793-1869. 3 cartons.

"Organization and Administration" papers. 3 cartons.

Six Nations leases. 2 cartons.

Reports on petitions, 1858-1873. 2 cartons.

Letters received, 1765-1875. 62 cartons.

Packages of letters from Indian superintendents, 1844-1861.

Packages of letters received, 1844-1872.

List of letters received, 1837-1842. 1 vol.

Reports and statements for government. 3 vols.

Orders in Council. 2 vols.

General Orders, 1814-1830. 1 vol.

Documents respecting the Iroquois of Caughnawaga. 1 vol.

Letter-book of the governor-general's civil secretary, 1793-1794.

Letter-book of the military secretary, 1821-1825.

Letters from Sir John Johnson to the military secretary regarding the appointment of Mr. Doucet as agent, 1823-1824. 1 vol.

Grand River claims. 1 vol.

Index to petitions. 1 vol.

Abstract of requisitions on account of land payments commencing in April, 1835. 1 vol.

Pay lists, 1800-1811. 1 vol.

" 1811-1816, 1820-1821. 1 vol.

" 1821-1828. 1 vol.

" and estimates, 1826-1830. 1 vol.

" Lower Canada, 1808-1818. 1 vol.

" and abstracts, Lower Canada, 1818-1825. 1 vol.



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Annual estimates for payments for lands surrendered to the Crown, 1820-1833.  
1 vol.

Requisitions and estimates, 1815-1819. 1 vol.

Estimates of presents and stationery, 1814-1820. 1 vol.

Estimates and returns, 1827-1850. 1 vol.

Estimates for presents and lists of lands purchased, 1826-1853. 1 vol.

Robinson Treaty papers. 1 bundle.

Papers concerning reserves, etc., in Nova Scotia. 1 bundle.

## DEPARTMENT OF MILITIA AND DEFENCE.

Register of men enlisted in corps of infantry, 1884-1886.

“ “ “ A and B batteries of artillery, school of gunnery,  
1880-1896.

Register of men enlisted in the school of cavalry, 1884-1896.

“ “ on service in Manitoba and the Northwest.

Register of forms issued and received, 1871-1876.

Portfolio of papers connected with the Quebec Tercentenary.

General Orders in connection with the Quebec Tercentenary.

Register of men enlisted in the school of mounted infantry, 1884-1896.

\*Letter-books of the office of the Adjutant-General of militia, Lower Canada.

1777-1790.

1791-1797.

Jan., 1790-Nov., 1792.

1803-1805.

March, 1805-Nov., 1807.

Nov., 1807-March, 1812.

March-Dec., 1812.

Sept.-Nov., 1812.

Dec., 1812-April, 1813.

April-Nov., 1813.

June-Sept., 1813.

Nov., 1813-Dec., 1814.

Dec., 1813-March, 1815.

Jan., 1815-Dec., 1816.

May, 1818-Dec., 1819.

Jan., 1820-Nov., 1822.

Nov., 1822-Jan., 1823.

Jan., 1825-April, 1831.

May, 1830-Dec., 1833.

Jan., 1834-Nov., 1840.

Sept., 1797-Dec., 1802. Letters sent to commissioned officers at Montreal  
and Boucherville.

April, 1798-May, 1803: Letters sent to commissioned officers at Chambly, La  
Valtrie, etc.

*Miscellaneous.*

General Orders, 1813-1814.

“ “ Feb., 1813-Dec., 1814.

Muster rolls of Canadian militia of the district of Quebec, 1776.

List of active militia officers with the dates of their commissions, 1812.

Reports, correspondence, etc., 1816-1817.

Militia forms, 1872-1873.

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\*These letter-books and miscellaneous records evidently once formed part of the archives of the Department of Militia and Defence; they were found in an old stable in Ottawa.



## SESSIONAL PAPER No. 29b

Register No. 1 Infantry School, "A" Company, Fredericton, with monthly returns, 1884.  
Cash book of the adjutant-general, 1801.

## DEPARTMENT OF FINANCE.

Cadastrés of the following seigniories and fiefs:—

Batiscan.	Lauzon.
Sillery.	Cap la Madeleine.
St. Gabriel.	Laprairie de la Madeleine.
Banlieu de Trois Rivières.	Notre Dame des Anges.
Pachevigny.	Sorel.
St. Nicolas.	Bélair.
Fief dans la ville de Lévis.	

*Miscellaneous.*

Registers containing the inquiries made for the purpose of drawing up cadastrés, Nos. 1-20.  
Diary of the proceedings of the court for the revision of schedules made under the seigniorial act of 1854 and its amendments. 1 vol.  
Lods et ventes. 5 vols.  
Table of corrections, etc., lods et ventes, Soulanges and New Longueuil. Books "A" and "B."  
Judgments of Commissioner Turcotte on the cadastrés closed by him in the district of Three Rivers. 1 vol.  
Plumitif of the Revision Court. 1 vol.  
Statement of payments made to the seigniors for interest on casual rights since July 1, 1857. 1 vol.  
Statement of the semi-annual payments due Jan. 1, 1863, for the casual rights of the seigniories in the districts of Quebec, Kamouraska, and Gaspé. 1 vol.  
Final state of the cadastrés. 1 vol.  
Enquêtes opened and closed by Henry Judah. Book "B."  
List of applicants to be appointed seigniorial commissioners, and others who are deemed eligible. 1 vol.  
Letter-book of S. Lelièvre. 1 vol.  
Journals, accounts, minutes, and sundry other records. 8 vols.  
Miscellaneous portions of drafts of cadastrés.  
Receipt books, Aug. 14, 1856-June 30, 1863. 15 vols.  
Nominal index to letters received.  
Miscellaneous files, relating mainly to crown lands, 1863-1864.

## DEPARTMENT OF AGRICULTURE.

Letter-book, Agriculture and Statistics, 1857-1860.  
" " " " 1860-1862.  
" " " " 1862-1864.  
Register of letters received, 1862-1864.  
Index of correspondence received by the Branch of Statistics, 1851-1862.  
Register of correspondence received by the Department of Agriculture, 1866-1867.  
Letter-book, Emigration, 1862-1864.  
Letters received by the Central Board of Health, 1854.  
Letter-book of the Central Board of Health, 1854.  
Register of files sent, Archives Branch, 1871-1872.



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Subscriptions of agricultural societies of Lower Canada, 1864.  
 Subscriptions of agricultural societies of Upper Canada, 1864.  
 Orders in Council relating to the Department of Agriculture, 1855-1864.  
 Papers relating to emigration and the Saguenay country, 1829.  
 Minutes of proceedings relating to the Paris Exhibition, 1854.  
 Census atlas of Canada, 1860.

## DEPARTMENT OF PUBLIC WORKS.

Land records of Upper Canada. 3 vols.  
 General account of goods imported at the port of Montreal for the quarter ending Jan. 5, 1850. 1 vol.  
 Reports on public works of Quebec and Ontario. 1 vol. (Copy.)  
 Titres, etc., propriétés du gouvernement, Quebec, Montreal. 1600-1870. 1 vol. (Copy.)  
 Report of Lieut.-Col. Phillpotts on the inland navigation of the Canadas. 1839. 1 vol. (Copy.)

## POST OFFICE DEPARTMENT.

Articles of agreement between the Post Office Department of Canada and that of the United States. 1851 and 1873. (Three files.)

## LIBRARY OF PARLIAMENT.

Census of 1831, Lower Canada. 10 vols.

## MISCELLANEOUS MATERIAL RECEIVED FROM VARIOUS PARTS OF CANADA.

Joseph Howe Papers.  
 George Johnson Papers.  
 Bishop Inglis Papers. (Copies.)  
 Rough Minutes of the Executive Council of New Brunswick, 1785-1857. (110 portfolios.)  
 Joseph Lawrence Collection:—  
     I. Boundary Papers.  
         (a) Arguments and documents employed as evidence in the northeast boundary dispute.  
         (b) Field Books.  
         (c) Correspondence.  
         (d) Accounts.  
     II. Letter-book of communications from the collector and the comptroller at the port of Charlottetown, Prince Edward Island, to the Board of Commissioners of His Majesty's Customs, May 7, 1789-July 21, 1809. Not indexed. 400 pp.  
     III. List of the number of vessels and their tonnage, which have been registered at the port of St. John, and the ports to which they belong. Dec. 31, 1817. 12 pp.  
     IV. Note books of Joseph Lawrence. 122 numbers.  
     V. Miscellaneous correspondence and other papers.  
 Township book of Windsor, Hants county, N.S., Nov., 1799-April, 1845.  
 Poor book, Newport, N.S., 1789-1881.  
 Marriage register, parishes of Dundas and Wellington. 1870-1874. (Photostat copy.)  
 Township book of Annapolis, N.S., 1790-1853.  
 Vestry book of St. Martin's Church, Shediac, Westmorland county, N.B., 1837-1881. (Also contains sundry accounts. Photostat copy.)



## SESSIONAL PAPER No. 29b

- Record of the court of common pleas, Westmorland county, 1816-1838.  
Register of marriages, baptisms, and burials, St. Martin's Shediak, Westmorland county. 1825-1834. (Photostat copy.)  
Register of duties performed out of the parishes of Shediak and Cocagne. 1833-1835. (Photostat copy.)  
Township book of Wilmot, N.S. 1806-1892.  
Record of judgments of the court of common pleas, Westmorland county. 1785-1823.  
Record of the court of sessions, Westmorland county. 1798-1809.  
Grand jury proceedings, Annapolis county, N.S. 1786-1800.  
Record of the court of common pleas, Westmorland county. 1786-1804.  
Record of the court of sessions, Westmorland county. 1785-1797. (Lists of town officers included.)  
Town book of Granville, N.S.  
Fort Edward barrack book. 1776-1778. (Kept by G. H. Monk.)  
Manuscript history of Prince Edward Island, by Gardiner.  
Account of shipbuilding in Moncton, N.B.  
Letters of the Duke of Kent to Lieut.-Gen. Prescott. 1796-1799. (Transcript.)  
Register of marriages, births, and deaths in the township of Horton, N.S. (Arranged alphabetically. Nearly all of the entries are within the period 1750-1880. Transcript.)  
Essay on the northeast fisheries, by F. Anderson.  
Register of marriages, births, and deaths within the district and parish of Sydney. 1785-1813. (This register also contains sundry other records of a later date. Photostat copy.)  
Memorial of Col. Joseph Goreham to Sir George Yonge. Oct. 15, 1787.  
Miscellaneous records from the Seminary of St. Sulpice, Montreal. (50 envelopes. Transcripts.)  
Aveu et denombrement of seigniories in the district of Montreal. 1781. (Transcript.)  
Register of Notre Dame de Montreal. 1701-1718. (Transcript.)  
Report on the archives of St. Mary's College, Montreal, by P. M. O'Leary.  
Minutes of the Committee of Correspondence at Montreal, 1834-1835.  
Minutes of the Committee of Correspondence at Quebec, 1834.  
Minutes of the Committee of Correspondence at Quebec, 1834. (Photostat copy.)  
Letters of L. J. Papineau, 1824-1855. (Photostat copy.)  
Letters of C. O. Perrault, 1834-1836. (Photostat copy.)  
Translation of a letter of Paul le Jeune. March 18, 1642.  
De Salaberry Papers. One portfolio. (Copy.)  
Various letters and registers from the archives of the Hôpital Général, Montreal. 1699-1771. (Transcripts.)  
Mémoire du Canada. 1749-1760. (Transcript.)  
Minutes of the notary Sévérin Ameau, Three Rivers. 1661. (Transcript.)  
Procédés des Habitants de la Côte et du District de Montreal 1822-1825. (Transcript.)  
Concessions of Paul de Chomedey, Maisonneuve. (Transcript.)  
Military orders of the French campaigns of 1756-1757. (Transcript.)  
Garrison orders, Quebec. July 4-Dec. 23, 1812.  
Memorial on education by sundry inhabitants of Quebec, Nov. 19, 1787.  
Letter-book of correspondence from the collector and comptroller of customs at Montreal to the Commissioners of Customs, 1832-1843.

*John Neilson Collection.*

- James Allison Papers, 1823-1847. (Deal chiefly with immigration at Montreal, 1840-1843. 7 cahiers.)



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- Letter-book of the estate of William Brown. March 26, 1789-Dec. 9, 1790.
- Observations made by Samuel Neilson in a tour made below Quebec in Sept. 1826.
- Historical notes extracted from the *Quebec Gazette*, May 29, 1766-Sept. 22, 1774.
- John Neilson's journal as commissioner to visit the principal penitentiaries in the United States. 1834.
- Journal of Mgr. J. O. Plessis. 1819-1820. 2 vols.
- Guard book of letters received by the naval storekeeper at Montreal from the naval establishment at that place. 1817.
- Letter book of the naval department at Kingston. Nov. 21, 1814-March 19, 1815.
- Guard book of letters from the Admiralty to Capt. Barrie, acting commissioner of the navy, Kingston, 1823-1826.
- Anonymous journal of events from 1834 to 1847. (Centres at Montreal.)
- Book of reference to the turnpike road between Terrebonne and Joliette, 1874.
- De Salaberry Papers. 3 vols.
- Letter-book of John Campbell, 1806-1810. (A Quebec merchant.)
- J. G. Boisseau's account-book relating to a seigniory at the rivière du sud, etc. 1828-1840.
- Gregorian hymnal, formerly used in the parish church at Ste. Foye.
- Terrier du fief et seigneurie de la Pocatière. 1790.
- Terrier du Port Joly. 1773-1793.
- Minutes of the Lottery Club at Quebec. 1799-1800.
- Rules and members of the Quebec Benevolent Society, 1789-1808.
- John Neilson correspondence, 1795-1853. 7 portfolios.
- Miscellaneous Papers. 3 Portfolios.

*Miscellaneous Collections and Documents.*

- Taschereau Papers, 1694-1874. 1 portfolio.
- Coppey Collection.
- Morrill Collection.
- Sketch of the British American Land Co.
- W. A. Hale Papers.
- Papers relating to St. George's Church, Lennoxville.
- Sundry papers obtained from Col. Worthington, Sherbrooke, and from the court house at that place.
- Order book of the Ottawa Brigade, Garrison Artillery, April, 1870-Sept., 1873.
- Garrison order book, Fort Wellington, Nov., 1865-June, 1866.
- Minutes of the surrogate court of the Eastern District, Upper Canada, 1796-1833. (Transcript.)
- Letter-book of the St. George's Society, Ottawa. 1860-1865.
- Letters of Lieut.Gen. Hunter to heads of departments. 1799-1805. (Transcript.)
- Letter-book of military correspondence of Lieut.-Gen. P. Hunter. Oct., 1799-Aug., 1805. (Transcript.)
- McGillivray Papers.
- Gilkison Papers.
- Hayes Papers.
- Higginson Papers.
- Election writ and return for the south riding of Lanark, 1869.
- Commission of Poulett Thomson as governor of Upper Canada. Sept. 6, 1840.
- Petition from citizens of Toronto to the governor general, Oct. 1, 1862.
- Letter-book of president Peter Russell. Feb. 14-July 10, 1799. (Transcript.)
- Catalogue of muster rolls in the Massachusetts archives, vols. 91-99, 1710-1722. (Copy.)
- Hudson's Bay Co. journal at Severn House, 1775-1776, 1788-1790.
- Manuscript of a history of the Red River troubles of 1869-1870.



## APPENDIX B.

MAPS RECEIVED AT THE PUBLIC ARCHIVES IN THE FISCAL YEAR  
1912-13.

Map showing Branches of Chartered Banks in Ontario and Quebec. Nov., 1911.  
36 x 33.

Topographical Map, Ontario-Quebec. Lachute sheet. Dept. of Militia, 1910.  
30 x 24.

Karte von Der Insel Montreal und den gegenden umher, nach den Manuscripten  
der Karten Grundrisse und Tagebücher bey der Marine entworfen, von N.  
Bellin, etc., 1760. 12 x 9½.

Plan of the Town & Fortifications of Montreal or Ville Marie in Canada.  
(Lond. Mag.), 1760. 11 x 8.

Quebec Battlefields Park, National B'fields Commission. F. G. Todd. 1909.

A Plan of Fort du Quesne, situate in the Forks of the Monogohoela and the Ohio,  
built by the French Ann. Dom., 1754. Photo of Stobo's map in Chateau de  
Ramezay. 7 x 7½.

A Plan of the Harbour of Chebucto and Town of Halifax. 11 x 9. Print.

Carte de la decouverte faite l'an 1663, dans l'Amerique Septentrionale. Liebaux,  
sculp. Also Tasman map, dans Recueil de Voyages de M. Thievenot, dedié au  
Roy MDLXXXI.

Plan of the Siege of Plattsburg, and Capture of the British Fleet on Lake Cham-  
plain, the 11th of September, 1814. To accompany B. Tanner's Print of  
Macdonough's Victory. From Original in Library of Congress. 8 x 10.

Amerique Septentrionale.

A plan of Settlements proposed to be made at Annapolis, Menis and Shignecto,  
Ohignecto, etc. Proposed Settlements on the Bason of Annapolis Royal,  
Minas, etc. Red. 12 June 1749. Referred to in ye Copy of a Lettr. from  
Gov. Shirley to the Duke of Bedford, dated Boston the 18th Feby. 1748-9.  
Red. with Gov. Shirley's letter to ye Board of Trade, dated ye 27 April 1749.  
Ms. Copy of original ms. Nova Scotia No. 13, Colonial Office Library. 18  
x 14.

No. 3. A Survey of Part of the North Shore of the River St. Lawrence, Done  
in the Year of 1768. By Ensn. Geo. Sproule of His Majesty's 59th Regi-  
ment. Under the Direction of Samuel Holland Esq., Surveyor General of  
the Northern District of North America. Drawn from the Original Survey  
4000 feet to an inch by Ensn. George Sproule.

(This Survey belongs to the office of the Secretary of State for the Home  
Department, Wm. Pearce, Librarian.) Endorsed North Shore of River St.  
Lawrence, Secretary of States Office, by Sproule, 1768). Copy of original ms.  
Canada No. 28. Sheets 1, 2 and 3, C.O. Library.

Carte de la Nouvelle France, où se voit le cours des Grandes Rivières de St-  
Laurens & de Mississippi aujourd'hui S. Louis. Aux Environs des-quelles  
se trouvent les Etats, Pais, Nations, Peuples, &c., de la Floride, de la Louisi-  
ane, de la Virginie, de la Marie-lande, de la Pensilvanie, du Nouveau Jersey,



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de la Nouvelle Yorck, de la Nouv. Angleterre, de L'Acadie, du Canada, des Esquimaux, des Iroquois, &c. Et de la Grande Ile de Terre Neuve. Dressée sur les Mémoires les plus Nouveaux recueillis pour L'Etablissement de la Compagnie Françoise Ocident, Tom VI, No. 23, pag. 91. Scale Cinquante heures de chemin to 1 inch English. Insets: Veue de Quebec; Les Environs de Quebec; Les Costes de la Louisiane, depuis la Baye de l'Ascension jusque à celle de St-Joseph. Remarks. 20 x 17 $\frac{3}{4}$  inches.

Partie Orientale du Canada ou de la Nouvelle France ou sont les Provinces ou pays de Saguenay, Canada, Acadie, etc., les Peuples ou nations des Etchemins, Iroquois, Attiguameches, etc. Avec la Nouvelle Angleterre, la Nouvelle Ecosse, la Nouvelle Yorck et la Virginie, les Isles de Terre Neuve, e Cap Breton, etc., le Grand Banc, etc. Dressée sur les Memoires les plus Nouveaux par le P. Coronelli, Cosmographe de la Serenis<sup>me</sup> Rep. de Venise. Dediée A Monsieur l'Abbé Bavdraud, Par son très humble Serviteur J. B. Nolin. A Paris, Chez J. B. Nolin sur le Quay de l'Horloge du Palais, proche la Rue de Harley, a l'Enseigne de la Place des Victoires. Avec privilege du Roy 1689. 23 $\frac{1}{2}$  x 18.

A map Exhibiting all the New Discoveries in the Interior Parts of North America, Inscribed by permission to the Honorable Governor and Company of Adventurers of England trading into Hudson's Bay In testimony of their liberal Communications To their most Obedient and very Humble Servant A. Arrowsmith, Hydrographer to H.R.H. the Prince of Wales. 1795 to 1802. (See also No. 197 of the Catalogue.) Astronomical Notes in a separate volume.

Stansbury's Expedition, with maps, viz., Map of the Great Salt Lake and Adjacent country in the Territory of Utah, Surveyed in 1849 and 1850 under the orders of Col. J. J. Albert, Chief of the Topographical Bureau, by Capt. Howard Stansbury of the Corps of Topographical Engineers, aided by Lieut. J. W. Gunnison, Corps, Topographical Engineers, and Albert Carrington. Drawn by Lt. Gunnison and Charles Preuss. Ackerman Lith., Broadway, N.Y.

Map of a Reconnoissance between Fort Leavenworth, the Missouri River, and the Great Salt Lake in the Territory of Utah, made in 1849 and 1850, etc. The adjacent country laid down from the latest and most authentic data.

Andrews Report, U. S. Senate Documents.

Map of the Railways in the United States in operation and progress, to accompany a Report from the Treasury Department, by Israel D. Andrews. Drawn and Engraved under the direction of the Editor of the American Railroad Journal, Ackerman Lith.

Map of the Eastern portion of British North America, including the Gulf of St. Lawrence, and part of the New England States, compiled from the latest Surveys and Charts by Henry F. Perley for the report of Israel D. Andrews to Hon. Thomas Corwin, Secretary of the Treasury, 1853. Ackerman, Lith.

Map of the Straits of Florida and Gulf of Mexico to accompany a report from the Treas. Dept., etc., in obedience to the resolution of the Senate of March 8th, 1851. From the Archives of the U. S. Coast Survey, A. D. Bache, Superintendent, 1852.

Map of the Basin of the St. Lawrence, showing also the natural and Artificial Routes between the Atlantic Ocean and the Interior of North America, by Thomas C. Keefer, jr. I. D. Andrews Report to Hon. Thomas Corwin, Secretary of the Treasury, 1853. Ackerman, Lith.



## SESSIONAL PAPER No. 29b

Map of the North West part of Canada, by Thomas Devine. 1857 (Duplicate of No. 3769).

Plans with the Report of the Geological Survey, Department of the Interior. (Duplicate) 1853.

Plans with the Report of the Department of Crown Lands, 1857 (Duplicate).

Northwest Territory, Report of the Assiniboine and Saskatchewan Exploring Expedition, by Henry Youle Hind, M.A. 1859. Printed by order of the Legislative Assembly. Cross section, Red River, Assiniboine River, Saskatchewan and branches.

Track Survey of the Saskatchewan between Cedar Lake, and Lake Winnipeg, shewing the Grand Rapid.

Track Survey of the Qu'Appelle Valley from Sand Hill Lake Westward, showing its junction with the Saskatchewan.

Exposure on Deer Island.

Geographical map of a portion of Rupert's Land, by H. Y. Hind.

Approximate sections.

Map of a portion of Rupert's Land, in 3 sections.

Report on the Exploration of the Country between Lake Superior and the Red River Settlement, and Between the Latter place and the Assiniboine and Saskatchewan. By S. J. Dawson, Esq., C.E., 1859. Printed by Order of the Legislative Assembly.

Map showing the Route by Road and Navigation for connecting the Atlantic and Pacific Oceans.

Profile of the Route.

Plan shewing the Region Explored by S. J. Dawson, and his party between Fort William, Lake Superior, and the Great Saskatchewan River between 1st of August, 1857, and 1st of November, 1858. Eng. by J. Ellis, Toronto.

Charts. (6) St. Lawrence Navigation. Off<sup>l</sup>.

Atlas containing maps of the Counties in Upper and Lower Canada, laid before the Legislature of the Province of Canada in the year 1853 by the Crown Lands Department. Matthews, Lith. (85 plans.)

A New and Improved School Atlas to accompany The Practical System of Modern Geography by J. Olney, A.M., containing:

1. A Map of the World.
2. A Chart of the World.
3. A Map of North America.
4. A Map of the United States.
5. A Map of New England.
6. A Map of the Middle States.
7. A Map of the Southern States.
8. A Map of the Western States.
9. A Map of South America.
10. A Map of Europe.
11. A Map of Asia.
12. A Map of Africa.
13. A Chart exhibiting in a new plan, The Comparative size of the present Empires Kingdoms, etc., etc.

New York, Published by Robinson, Pratt & Co. 1837. Coloured engravings.

Topographic Map, Ontario, Long Point Sheet, Militia Department, 1909.

Topographic Map, Ontario, Port Burwell Sheet, Militia Department, 1909.



- Plans des Principales Cites De L'Univers, Amsterdam, By Danker Dankerts n/d. (Circa 1666.) A collection of 50 plans, birds-eye views, etc., of the chief cities of the world, with notes. Amongst those most interesting to Canadians are one of London, of the period of the plague and the fire, time of Charles II, and one of the Paris of the Cardinals Richelieu and Mazarin. There is also a very rare old plate of the original home of the Carthusian order, as founded by S. Bruno.
- Nowell Amsterdam, en L'Amerique. Inset: La Nouvelle Hollande en Amerique. (Print-framed.) 1762.
- Print of the taking of Louisburg, 1758, by Martin Wall. (Framed.)
- Maps to illustrate the System of Canadian Irrigation Surveys. 20 maps with the Report of the Department of the Interior for 1894.
- Preliminary Map of a Portion of the District of Alberta showing Canadian Irrigation Surveys during 1894. Revised to 1st May, 1896. Department of the Interior. Sheets 1 and 2.
- Carte Régionale de la Province de Québec. Comprenant le Comté de Matane. Dressée au Département de la Colonisation, des Mines et de Pecheries. Sous la direction de l'ingenieur du Département. C. R. Devlin, Ministre. Québec, Novembre, 1911. Compilée par F. P. Genest, A.G. 44½ x 30.
- Map of Manitoba, Saskatchewan and Alberta, showing the number of Quarter Sections available for Homestead entry in each Township. Corrected to January 1st, 1912. Preliminary edition. Railways Lands Branch. F. C. C. Lynch, Supert.
- Plan du Terrain à la Pointe à la Chevelure, 1731.
- Manitoba. Map showing disposition of Lands. Prepared in the Railway Lands Branch. F. C. C. Lynch, Superintendent. Corrected to January 1st, 1912. Dept. of the Interior.
- Boundary Line between Quebec and Chatham, showing line at Point Fortune. Sketched from a plan, with O. in C., 21st July, 1866, calling attention to conflict between federal and provincial legislation on the boundary.
- Queenston Heights. C. 682, p. 232.
- Plan of the disposition of the Hostile force in the Action of the 11th Nov<sup>r</sup>, 1813, at Chrysler's Farm. 9½ x 7¾.
- Sketch of Burlington Heights. 14 x 16.
- Map of the Minneapolis-St. Paul and Sault Ste. Marie Ry.—The Soo Line.—Matthews, Northrup and Co., Art printing works, engravers, Buffalo, N.Y. 39 x 15. Coloured print.
- Map of the State of New York, with its Counties, as defined by statute, March 7th, 1788. Litho. Hoffman and Knickerbocker, Albany, N.Y. From proceedings of the Commissioners. 11¼ x 8¼. Photo, hand coloured from engravings.
- Carte du Lac Ontario, et du fleuve St. Laurent, depuis le Lac Erie, jusques au dessoux de L'Isle de Montreal. fait à Quebec 20 Sept'bre, 1728. Chaussegros de Léry. 36 x 15½.
- A Map of the Oneida Reservation including the Lands leased to Peter Smith. 11 x 9.
- A Map of part of the State of New York with parts of the adjacent States, made in 1703-4 by John Adams and John Wallis.
- Amerique Septentrionale. Publiée sous les Auspices de Monseigneur le Duc D'Orleans, Premier Prince du Sang. Par le S<sup>r</sup>. D'Anville MDCCXLVI. Avec Privilege. A Paris chez l'Auteur aux Galeries du Louvre. Inset: Hudson Bay et environs. Photo copy. Two sheets, each 33¾ x 17¾.



## SESSIONAL PAPER No. 29b

Map of Southern Alberta, showing lands available. 1912.

Map of the Dominion of Canada, 1912. Department of the Interior.

Map of the Dominion of Canada, showing Railways in operation and construction. Eight sheets. Department of the Interior, 1912.

Plan figuratif de la Seigneurie de Repentigny, appartenent à Monsieur de St. Ours, fait par l'arpenteur Sousigne à Montreal le 18 Juillet 1765. J. B<sup>t</sup>. Raymond. Endorsed—Plan de la seigneurie de Repentigny appartenent a Mon. de St. Ours. Fait à Montreal 18th Juillet 1765. J. H. Raymond, arpenteur. 35½ x 19. Coloured, original ms.

Plan figuratif du Seigneurie de St. Ours. Extrait de l'ancien plan de la ditte Seigneurie par L'Arpenteur sousigné a Montreal le 12th Juillet 1765, J. H. Raymond. Endorsed, 'St. Ours—Plan of Mon. St. Ours Seigneurie de St. Ours, 12th Juillet 1765.' 44¾ x 19. Coloured, original ms.

The Island of St. John or Prince Edward's Island from Recent Surveys. Originally surveyed by Major Holland, with additions to 1850. 30 x 15½. Coloured print. John Wyld, London, pub<sup>r</sup>.

Les Costes aux Environs de la Rivière de Misisipi, decouvertes par M. de la Salle en 1683, et reconnues par M. le Chevalier d'Iberville en 1689 et 1699 — par N. de Fer, Geographe de Monseigneur le Dauphin, 1701. Vincent de Ginville, sculpsit.

Avec 'Description de la Decouverte du Missisipi par N. de Fer, en la Bibliothèque Nationale. Copy.

Croqué de la Rivière de Mississippi, 1700. Photo.

New Settlements on the River Etchemin. Smillie Sc.

Plan of St. John River and adjacent district in New Brunswick, Canada East and Maine. Showing roads, railways, Boundaries, etc. 1862.

Isle aux Noix and Fort Lennox, 1863-4.

Bytown, 1851-3.

Route of the troops from St. John, N.B., to Canada, 1862. Signed 'Wolseley.' Original coloured plan.

Plan du Fort au dessous la Rapide St. Jean au Mouilles la barque du lac champlain, fait a St. Jean le 9<sup>me</sup> Juin 1748. Lery. Vue et approuvée à Montreal le 10<sup>me</sup> Juin 1748. L. A. Galissoniere. Desinée par M. de Lery fils 1750. Photo copy of N° d'ordre 503, Depot de Fortification.

Part of Montreal District, showing Counties. Coloured ms. 17½ x 12¼. u/d; n/s; n/t.

Map of part of Quebec and the Maritime provinces.

A Plan of a new road in the Parish of Dechambault, declaration of survey by John Collins, D.S.G., 22 May 1867. 57½ x 19¾. Original coloured ms.

Carte du Comté de Bonaventure 1905. Jean Prevost, ministre. Desinée par L. Coenraets. 35 x 16. Coloured print.

Comté de Gaspé, Province de Quebec. Dressée au departement de la Colonization, des Mines et des Pecheries, Quebec 1905. 30 x 22.

Part of Kingston, showing proposed purchase. 23 May 1817. 9¾ x 14¼.

Part of Holland's map of Eastern Canada, made for the Secy. of State 1790. (A duplicate of 287.), in 4 sections, coloured ms.

Le Grand banc de Terre-neuve.

A Map of Vermont. Coloured ms. Copy of a map. C. O. Records, 5, Vol. 8, p. 77. 14½ x 17½.



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- Chart showing Quick Flashing Lights on the Atlantic Coast of Canada. Marine and Fisheries Department. Coloured print. 1911-2.
- City of Fort William. Plan showing the Harbour and Freight and Grain handling facilities. H. S. Hancock, J. City Engineer, December 1908. Illustrated. 34 x 18.
- Map of the District of Patricia, Province of Ontario. With Report of Bureau of Mines, 1912. W. G. Miller. 27 x 29. Coloured print.
- Gulf of St. Lawrence, Magdalen Islands. Crown Land Department, Quebec, 15th March, 1825. John Rolph, Commissioner. 16 x 19. Matthews—Lith., Montreal. Coloured litho.
- Lake Superior, by Lieut. Henry W. Bayfield, assisted by Mr. Phillip Ed. Collins. Mid. between the years 1823 and 1825. Crown Lands Department, Quebec, 12th March, 1853. John Rolph, Commissioner. True copy. Matthews, Lith. 37 x 18.
- Sketch of Lake Superior, showing the supposed Northern and Western Limits of this Province in that direction. G. Matthews—Lith. Crown Lands Dept., Quebec, 12th March, 1853. John Rolph, Com. 20 x 14.
- Bird's Eye View of the Central Business Portion of Winnipeg, Manitoba. Entered by Clarence E. Steele, Winnipeg, 1894, with 16 vignettes of business places, and a directory. 25½ x 14¾.
- Fitzroy Harbour. A copy of John Robertson, D. P. Surveyor, 1840. Coloured ms., with S. series.
- Plan of a part of Bruce Mines, showing the Mineral Veins. Surveyed by W. E. Logan, Esq., F.G.S. Drawn by James Cane, C.E. 20 x 15½. Matthews, Lith. [Cir. 1849.] Uncoloured lith., with Geological Survey Report.
- A Plan of the whole of the Location of the Bruce Mines, the property of the Montreal Mining Company, containing 6,400 acres. 11½ x 20½. Matthews, Lith. [1849 cir.] Uncoloured lith., with Geological Report, 1849.
- Maps, etc., accompanying Geological Survey Report, 1872-3. (Five plans.)
- Maps, etc., accompanying Geological Survey Report, 1873-4. (Two plans.)
- Maps, etc., accompanying Geological Survey Report, 1874-5. (Four plans.)
- Map of a portion of the Province of Manitoba, showing Dominion Lands Surveyed and Distinguishing certain Lands disposed of. Dept. of Agriculture, for the use of intending settlers. February, 1884. Burland, litho. Uncoloured litho. 25½ x 16½.
- Charts showing the Mean, Monthly and Annual Temperatures of Hudson's Bay and Eastern Canada, October 1885 to September 1886, by Andrew Gordon. Coloured lithos, Mortimer Co., Lith. Ottawa. 17½ x 13½ inches.
- Charts, Geodetic Survey of Richelieu River. Steckel, (duplicate, No. 1170, 1171, 1172).
- Map of Part of the Province of Ontario, 32¾ x 24½. Coloured print. No imprint.
- Map of Canada and part of the United States. Compiled from the Latest Authors, 1880. The Burland Lith. Co., Montreal. Coloured, 17 x 7¾.
- Carte de la Province de Québec, Canada, pour accompagner la brochure intitulée La Province de Quebec, et l'Emigration Européenne, 1870. Departement des Terres de la Couronne 1870. Inset, 'Carte de la partie orientale de la Province du Québec.' English title, Legge and Co., Litho., Montreal, 26 x 18. Coloured litho.
- Plan of the Elgin Settlement in the Township of Raleigh, County of Kent, Canada West. Notes. References 21½ x 33.



## SESSIONAL PAPER No. 29b

Le Canada. Ottawa, 1872. Notes. Province de Manitoba (Section) Etabl. Antoine Van Genechten, à Turnhout.  $27\frac{1}{2} \times 11$  inches. From P. 35.—4.

Laurie's Map of the Northwest Territories, Shewing the Surveys now made, and the Railway and other Routes thereto. Compiled by, D. Codd, Ottawa, 1870; by (P. G. Laurie altered in ms. on plan to) D. Codd. Insets showing the Railway and Steamboat Lines communicating with the Northwest Territory. Plan of the Selkirk Settlement.  $46 \times 23$ . Uncoloured print.

Lake Ontario, Charts, etc. Hodder, 1857. Commodore Hodder's charts in Book form with letter press. (For duplicate of maps see No<sup>s</sup>. 1911 and 1912.)

Plan of Castine, 1814. Coloured ms. Copy of original in Colonial Records.

Map of the Dominion of Canada. Showing Establishments of the Hudson's Bay Company and means of transportation.  $36 \times 17\frac{1}{4}$ . Interior Dept., James White, F.R.G.S., Geo. Coloured Lith.

New Brunswick, Nova Scotia, and Newfoundland 1853, Published by J. H. Cotton, No. 86. Cedar St. New York.  $14 \times 10\frac{3}{4}$ .

A New Survey of the Harbour of Boston in New England done by Order of the Principal Officers and Commanders of Her Majesty's Navy. First authentic chart of Boston Harbour from the Fourth part of the English Pilot, published in London, 1707, reduced from copy in possession of the Boston Athenæum,  $9 \times 7$ . In List of Maps of Boston, 1903.

A Complete Historical, Chronological and Geographical American Atlas, being A Guide to the History of North and South America, and the West Indies: exhibiting An Accurate Account of the Discovery, Settlement and progress of their Various Kingdoms, States, Provinces, etc., Together with the Wars, Celebrated Battles, and Remarkable Events to the year 1822. According to the plan of Le Sage's Atlas, and intended as a companion of the Lavoisines Improvement of that Celebrated Work. Philadelphia. H. C. Carey and I. Lea, Clement St. 1823.

No. 1. America, Geographical, statistical and historical map.

2. America, Pantography of American History.

3. North America.

4. North America.—British Possessions.

5. United States, Geographical Map.

6. " Geographical and Statistical.

7 & 7\*. " Historical.

8. " Chronological Map.

9. " Chronological Map.

10. Maine.

11. New Hampshire.

12. Massachusetts.

13. Rhode Island.

14. Connecticut.

15. Vermont.

16. New York.

17. New Jersey.

18. Pennsylvania.

19. Delaware.

20. Maryland.

21. District of Columbia.

22. Virginia.

23. North Carolina.

24. South Carolina.

25. Georgia.



26. Ohio.
27. Kentucky.
28. Tennessee.
29. Mississippi.
30. Alabama.
31. Louisiana.
32. Indiana.
33. Illinois.
34. Missouri.
35. Arkansas Territory.
36. Michigan Territory.
37. Florida.
38. Mexico.
39. West Indies.
40. Cuba and the Bahama Isles.
41. Jamaica.
42. Hispaniola.
43. Porto Rico and the Virgin Isles.
44. Windward Islands.
45. Leeward Islands.
46. South America.
47. Republic of Colombia.
48. Brazil.
49. United Provinces.
50. Peru.
51. Chili.
52. Mountains of the World.
53. Rivers.

#### Postal Maps:—

Postal Map of the Province of Quebec, showing Post Offices, Money Order Offices, P.O. Savings Banks, Telegraph Stations and Mail Routes in operation on 1st January, 1880. Also Railways and Canals and Principal Rivers, together with the intermediate distances between post offices. Published by order of the Honourable the Postmaster General, 1880. 11 maps.

Postal Map of the Province of Quebec, Canada. Published by authority of the Honourable the Postmaster General, Ottawa, February, 1887. Le Feuvre A. Maingy, Draughtsman, P.O.D. J. Dewe, Chief Post Office Inspector. 8 sections.

Postal Map of the Province of New Brunswick, Canada. Published by the authority of the Honourable the Postmaster General, Ottawa, March, 1888. J. Dewe, Chief Post Office Inspector. Le Feuvre A. Maingy, Draughtsman. In 6 sections. Burland Lithographic Company, Montreal.

Map of the Seat of Riel's Insurrection, showing the connection of Prince Albert with other points in the Northwest, Trails, Telegraph Lines, etc., etc. Compiled from the latest Authorities by W. H. Holland, C.E., Ottawa, 31st March, 1885. 2nd edition. Coloured print. Mortimer, Lith., Ottawa. (2 copies.)

Map of the City of Montreal, Canada, and vicinity, October, 1890. Chas. E. Goad, C.E., Temple Building, St. James St., Montreal. 32 x 22. Coloured print.

#### Six plans, Quebec Fortifications:

No. 1, to explain the Report of the State of Defence of the Fortifications of Quebec, with explanations. Samuel Holland.



## SESSIONAL PAPER No. 29b

2. Showing the ground on which the Citadel is proposed to be built, and lines of present and proposed fortifications. Samuel Holland, Capt. 60th Regiment.
  3. Of the Citadel completely finished. S. Holland.
  4. & 5. Plans, section and elevation of the Bastion. S. Holland.
  6. Profile. S. Holland. [1760-7]. Coloured ms. Copies of originals in Lansdowne House. Shelburne Ms. Vol. 64. pp. 177-197.
- Cantonment of the Forces in North America, 1766. Coloured ms. Copy of original in Shelburne papers. Vol. 49, p. 648.
- Plan and Project for Fortifying the high commanding ground at the Church of Dechambault, as also the Island of Richelieu. Inset. Plan of the Projected Fort. Samuel Holland, Capt. 60th Regiment (1760-7). Coloured ms. copy of original in Lansdowne House. Shelburne Ms. Vol. 64, p. 199, 201.
- A plan of York or Chateaux Bay on the Coast of Labrador, with all its Contained Harbours, with directions for navigation. Also.—Plan of Block house with section through the Fort, with description of the Block House and Fort. Coloured ms. Copies, originals with the Shelburne papers Mss. Vol. 65, pp. 61-63 at Lansdowne House. Endorsed—‘A Plan and description of a Block House and Blockaded Fort Erected at Pitts Harbour in Labrador in 1766.’
- Map of Canada, by E. A. Mara, (duplicate, see No. 3793).
- Canada, New Brunswick and Nova Scotia. London, Published by Henry Teesdale and Co., 302 High Holborn. [1835]. Inset—River Niagara. Drawn and Engraved by L. Dover, Pentonville, London. Coloured print.
- Canada, New Brunswick, and Nova Scotia by Sydney Hall. 19½ x 16. London, Longman & Co. Published in Hall’s New General Atlas, London, 1830.
- North America by Sydney Hall, 1829. Pub. 1830. London, Longman & Co. Hall’s New General Atlas, London, 16 x 19½. Coloured print.
- Canada, Lithographed Edition by A. K. Johnston, John Johnston and W. and A. K. Johnston, Edinburgh. Robert Weir and James Lumsden & Son Glasgow. Engraved by W. and A. K. Johnston, [1844]. Coloured print.
- Chart of N.W. Coast of America, and the N.E. Coast of Asia Explored in the Years 1788, and 1779. Prepared by Lieut. Henry Roberts under the Immediate Inspection of Capt. Cook. Engraved by W. Palmer, No. 128 Chancery Lane; London, Published by Wm. Faden, Geographer to the King, Charing Cross, July 24th, 1784. 26 x 15. Coloured.
- United States of America. 14 x 16. The Course of the River St. Lawrence from Lake, Ontario to Manicouagan Point. 9 x 16. J. G. Menzies, Sculp. Edinburgh. Thomson’s New General Atlas, 1817.
- Chart of the Northern Passage between Asia and America. Neele, Sculp. 352 Strand. Drawn and Engraved for Thomsons New General Atals, 1816. 23 x 19. Coloured print.
- Canada and Nova Scotia. 23 x 18½. Thomson’s New General Atlas, 1814. Coloured print.
- Atlantic or Western Ocean, Drawn and engraved for Thomson’s New General Atlas. Engraved by J. Moffatt, Edin. 21½ x 19½. Note. The editions of this Atlas are 1817 and 1827.
- North America, Drawn and engraved for Thomson’s New General Atlas, 1814, N. R. Hewitt, sc, 10 Broad St. Bloomsbury. London. 23 x 19. Coloured print.



4 GEORGE V., A. 1914

- The Supplement to North America containing the Countries adjoining to Baffin and Hudsons Bay [1786]. 14 x 10½.
- Sketch of the North Eastern Boundary, disputed between Great Britain and the United States, as settled by Treaty, Aug. 9th, 1842. Charing Cross East. By James Wyld. 12½ x 9½.
- British Possessions in America, from Arrowsmith's Map of America. Arrowsmith. direxit, Lowry, sculp. Published March 1st, 1802, by Cadell and Davis, Strand, and Longman and Rees, Paternoster Row. 9½ x 7½. Uncoloured print.
- A New Map of North America, Showing all the New Discoveries, 1791. Drawn by Arrowsmith. Topo<sup>d</sup>. by L. Russel. Uncol<sup>r</sup>. print. 9 x 7¼. Engraved for Brookes' Gazetteer.
- A New and Correct Map of the World, laid down according to the Newest Discoveries, and from the most exact observations by Herman Moll, Geographer. Printed and sold by J. Bowles, Map and Print Seller, next to ye Chapter House in Saint Paul's Churchyard, and by P. Overton, Map and Print Seller, near St. Dunstan's Church, Fleet Street, and by John King at ye Globe in ye Poultry. In this map is inserted a view of the General and Coasting Trade Winds, Monsoons or the Shifting Trade Winds, Notes. Dedication to George II. 38 x 22¼.
- Mappa Totius Mundi adornata juxta Observationes Dññ Academiæ Regalis Scientiarum et nonnullorum aliorum, secundum annotatornes recentissimus edita per Guilielmum de l'Isle Celeberrimum Regis Galliæ Geographum. Augustæ Vindelicorum recusa et vernalis prostans apud Tobiam Conradu Lotter, Chalgographum et Geogr<sup>r</sup>. [1758.] 24 x 16½. Coloured print.
- Mappe-Monde Geo-Hydrographique, ou Description Generale du Globe Terrestre et Aquatique, en deux Plans, Hemispheres, ou sont exactement remarquées en general toutes les Parties de la Terre et de l'Eau suivant relations les plus nouvelles, par le S<sup>r</sup>. Sanson, Geographe ordinaire du Roy. Dedié au Roy par etc., Hubert Iailliot, Geographe de Sa Majesté. Paris, Chez H. Iailliott, etc., 1719. 25½ x 15. Coloured print.
- Topographical Map—Ontario. Hamilton Sheet. Department of Militia and Defence, 1909. 26 x 18. Coloured Litho.
- Topographical Map—Ontario. Romney Sheet. Department of Militia and Defence, 1909. 26 x 18. Coloured Litho.
- By Town, showing Canal basin and Wellington Street, from S. Series U.C. n/d. n/t. n/s. [1832.] 40 x 12½.
- Plan of the Cut at the Mouth of the River Welland, by Geo. Keefer, Jr., Asst. Engineer, St. Catharines, 4th March, 1829. 11½ x 11½. Original coloured ms. from S. series, U.C.
- Rough draught of the Ground between Dow's Swamp on the Rideau Canal and the Chaudiere Lake. Alex<sup>r</sup>. Sheriff. 14¾ x 9. Original coloured ms.
- Manitoba. Showing disposition of Lands, prepared in the Railway Lands Branch, F. C. Lynch, Superintendent. J. S. Chalifour, Chief Geographer. Corrected to 1st January, 1913. Department of the Interior. 29 x 38. Coloured litho.
- Plan and Survey of the Village of Williamstown, on the North and South Banks of the River aux Raisins, District of Charlottenburg, County of Glengarry in the Eastern Division.....being part of the Estate of the Honble. Sir John Johnson..... Survey allotted and laid out into Town Lots..... the annexed plan of Survey admeasuring....hereof. Deputy Provincial Sur-



## SESSIONAL PAPER No. 29b

- veyor. Jeremiah McCarthy, Williamstown, 20th May 1813. Incomplete, 24 x 32. Coloured ms.
- Plan showing the Reservation for the Garrison of York, coloured with Lake. Surveyor General's Office. York, U.C. 25th June 1817. Thos. Ridout Surveyor General. Wm. Chewett, S.S. & D. 25 x 11. Coloured original ms.
1912. Maps with the report of the Department of Railways and Canals. 1912. (11 maps).
- Atlas de Filipinas, Coleccion de 30 Mapas, Trabajados por delineantes filipinos., bayo la direction del P. Jose Algué, S. J., Director del Observatorio, de Manilla, 1899. A Hoen and Co. Lith Halto, Md. Treasury Department U. S. Coast and Geodetic Survey, Henry S. Pritchett, Superintendent, Special Publication, No. 3. Atlas of the Philippine Islands, Washington, Government Printing Office, 1900. (30 maps all of the Philippines).
- Physical Atlas with coloured maps (10) showing the Geographical Distribution of Plants Yielding Food; Climates, Flora, Soils, Regions of Summer Rains, Geological Formations and Hydrography of the Dominion of Canada, By J. Beaufort Hurlbert, M.A., LL.D. Corresponding Member of the R.H.S. London. Author of etc 1880.
- Plan copied from Mr. Wilmot's survey taken in 1811 (shewing Gloucester Bay, Penetanguishene and environs) Lots marked red are necessary to be reserved for Naval and Military purposes. Signed E. W. Durnford, Lt-Col.; C.R.E; A true copy, Surveyor Generals Office, York, Upper Canada, 2nd May, 1818. Thos. Ridout, Surveyor General. Quebec, January 19th 1818, Royal Engineers Drawing Room, (Sd) A. Walpole Lt. R.E. Coloured ms.
- Sketch of Lake Michigan and part of Lake Superior, from the large maps of Crown Land Atlas. Ms. coloured, with notes by Dr. Kingsford. 15 x 12½.
- Photo of Cabot map (duplicate) see No. 2.
- Carte Regionale de la Province du Québec comprenant les Comtés de Portneuf, Québec, Montmorency, Charlevoix, et partie de ceux de Saguenay, Chicoutimi, Champlain, et Maurice, etc. 1880. An earlier edition of Nos. 1104, and 1105.
- Map No. 2. (East Central Section) Dominion of Canada, Telegraph and Signal Service, F. N. Gisborne, M.I.T.E.E., F.R.S.C. Supt. T. and S. Service, 1883. Drawn by Gust. Smith. 47 x 34. Coloured print.
- City of Vancouver. Vancouver, 24th February 1887. L. A. Hamilton, Asst. Land Com. Ms. 45½ x 30½. Burland Lith., Montreal. Plain print.
- Map showing Elevators in Manitoba, Saskatchewan, and Alberta. Prepared in the Railway Lands Branch, Department of the Interior, 5th edition corrected to January 1, 1913. Coloured print. 34 x 15.
- Quebec. A. E. Courchesne, 1903. Engraved by R. D. Servos, N.Y. H. Chasse, Quebec, Printer. The Up-to-Date-and-Most-Complete Map-of-Quebec. Print. 15 x 9¼.
- This Plan represents the Survey of a Road from Lake Temiscouata to River du Loup under the direction of T. A. Stayner, Esq., and laid down on a Scale of Two Miles to an Inch by P. Coburn, Surveyor. River du Loup. April 20th, 1839. Series S., Lower Canada Roads and Bridges. Uncoloured ms. copy.
- Series S., Lower Canada, Roads and Bridges, June-Aug., 1829. Lieut. Ingall, Q.M.G. Dept. Report on the Lake Temiscouata. Coloured ms. original.
- Sketch of the Temiscouata Portage, with Mr. Coburn and Mr. Pelletier's Road Lines as surveyed by Andrew Russell. Series S., Lower Canada, Roads and Bridges. 19 x 14¼. Coloured ms. original.



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*Maps Received from Public Works, January 7, 1913:—*

Maps with the Report of the Department of the Interior, 1906, viz.:

Map of Deutschman's cave, by W. S. Ayres, M.S.

Map of Nakimu Caves, by A. O. Wheeler, F.R.G.S.

Proposed water conduits in the Yukon Mining District, by W. Thibaudeau, C.E.

Railway Map of the Dominion of Canada, 1909. Interior Department.

Investigation of Middle Channel, St. Lawrence River, Kingston to Prescott.

Plan showing Contours of Shoals, laying in the Channel at West End of Brockville Narrows. Public Works, 1895.

Manitoba, 1904. Department of the Interior.

Part of Kaministiquia river showing proposed harbour line and land required for widening the channel. Fort William, Ont., 1907. Public Works. (Five copies.)

Public Works, Fort William, Ont. Plan of Mission River, showing proposed Harbour Line and Land Required for widening channel. (Six copies.)

Public Works, Canada. Fort William, Ont. Plan of part of the Kamanistiquia River, showing proposed Harbour Line and Land required for widening channel. (Two copies.)

Public Works, Canada. Fort William, Ont. Plan of part of the Kamanistiquia River, showing land expropriated in 1907. (Four copies.)

Public Works. Plan of the River St. Lawrence, Between Kingston and Brockville, showing proposed improvements of Middle Channel.  $120\frac{3}{4} \times 33\frac{1}{2}$ .

Department of Public Works. Investigation of Middle Channel, St. Lawrence River, Kingston to Prescott. Plan showing channel through the 'Fiddlers' Elbow' and proposed improvements. Plan showing shoals, etc.

Map of the City of Chatham, Ont. E. T. Jones. Blue print.

Blue Print. G. T. Terminals at Mission River.

Map to accompany J. W. McLaggan's report of exploration in Saskatchewan and the N. W. Territories. Annual report of the Surveyor General, 1906-7.

Manitoba, Saskatchewan and Alberta, 1909. Three sections. Duplicate.

Manitoba, Saskatchewan and Alberta, 1907. Three sections. Duplicate.

Electoral Divisions in South Saskatchewan. (2 copies) Dept of Interior.

Map of Ontario in 3 sections.

Map of World's Submarine Cables. Gisborne (duplicate).

Harbour of St. John, N.B. 1909. Public Works Project of harbour development in Courteney Bay prepared by Louis Côté April 1910. Print.

Plan shewing St. John Water Works, Little River and Spruce Lake Distribution System. A.D. 1901. W. Murdock, Engineer, Sup. W.S.  $21 \times 19$ .

Electoral Divisions in South Alberta, (2 copies) Department of the Interior.

Map showing Route of I.C.R. of New Brunswick. Blue print.

Toronto Harbour. J. A. Cantin, Reduced from a survey by Edward B. Temple, Gov. Res. Eng. April 1897.

Public Works Canada, Summerside, P.E.I. Proposed breakwater, March 9th 1900. Eugene D. Lefleur, Actg. Chef. En.

Chart of Coast. Midland to Port Severn, n/d.

Map of Prince Edward Island compiled for the Postmaster General by John Dewe, Chief Post Office Inspector. W. B. Snow, C.E. 1874. Lith.

Map of the City of Halifax, Compiled and drawn by E. H. Keating, Civil Engineer for McAlpine's Directory, 1872-3. Lith.



## APPENDIX C.

## ACTS OF THE PROVINCE OF NOVA SCOTIA, 1749-1753.

*Duplicate Copies.*

- No. 1. An Act for erecting courts of judicature within the province of Nova Scotia and for regulating the proceedings thereof. Dec. 13, 1749. p. 2
- No. 2. An Act to protect the persons and estates of settlers in Nova Scotia for one year from prosecutions in any of the courts of the said province for debts contracted out of the province prior to the settlement of Halifax or the debtor's arrival as a settler in the said province. Feb. 2, 1749-50. p. 24
- No. 3. An Act to prevent the selling spirituous liquors without license. Feb. 23, 1749-50. p. 27.
- No. 4. An Act relating to the building wharves upon the beach before the town of Halifax. Feb. 24, 1749-50. p. 30
- No. 5. An Act for the establishment of fees. March 20, 1750. p. 34
- No. 6. An Act to alter the times of holding the county courts. March 30, 1750. p. 44
- No. 7. An Act in addition to and amendment of an Act made and passed the 23rd of Feb., 1749-50, for the more effectual preventing the retailing of spirituous liquors without license. Oct. 11, 1750. p. 46
- No. 8. An Act to prevent the cutting of pistereens and passing the parts of them for more than their value. Nov. 15, 1750. p. 49
- No. 9. An Act for the regulation of the market at Halifax. Nov. 15, 1750. p. 53
- No. 10. An Act for the further regulation of the proceedings of the courts of justice within this province. Jan. 14, 1750-51. p. 56
- No. 11. An Act for dividing the town and suburbs of Halifax into eight wards and for empowering the inhabitants to choose town officers. Jan. 14, 1750-51. p. 67
- No. 12. An Act ascertaining the extent of the jurisdiction of the officers of justice of the county of Halifax. Jan. 14, 1750-51. p. 70
- No. 13. An Act to prevent the fraudulent taking any materials for building, firewood, or other effects from the beach, streets, wharves, etc., of the town and suburbs of Halifax. Jan. 14, 1750-51. p. 72
- No. 14. An Act for explaining, amending and continuing an Act made the 2d of Feb., 1749-50, intituled an Act to protect the persons and estates of settlers in Nova Scotia for one year from prosecutions in any of the courts of the said province for debts contracted out of the province prior to the settlement of Halifax or the said debtor's arrival as a settler in the said province. Jan. 14, 1750-51. p. 76
- No. 15. An Act in addition to and amendment of an Act made the 14th of Jan., 1750-51, intituled an Act to prevent the fraudulent taking any materials for building, firewood or other effects from the beach, streets or wharves, etc., of the town of Halifax. April 29, 1751. p. 84
- No. 16. An Act for preventing stealing fish from the flakes or stacks. April 29, 1751. p. 88
- No. 17. An Act for granting a bounty on fish and oil and for laying a duty upon spirituous liquors as a fund for the payment thereof, and for effectually securing the payment of the said duty. April 29, 1751. p. 91
- No. 18. An Act in addition to an Act made the 29th of April, 1751, intituled an Act for granting a bounty upon fish and oil and for laying a duty on spirituous



liquors as a fund for the payment thereof, and for effectually securing the payment of the said duty. May 10, 1751. p. 99

No. 19. An Act to prevent masters of vessels landing any passengers or servants without permission from the Governor or Commander in Chief of this province. July 2, 1751. p. 102

No. 20. An Act laying a duty of three pence per gallon on spirituous liquors imported from the neighbouring colonies, and to encourage the distilling thereof in this province and for granting a bounty of ten shillings per ton upon all vessels or boats built within the said province. July 31, 1751. p. 105

No. 21. An Act for establishing the form of writs. April 8, 1752. p. 113

No. 22. An Act to encourage the improvement of land and for granting a bounty thereon. April 8, 1752. p. 125

No. 23. An Act for altering the style of the county court to that of the inferior court of common pleas and to empower the said court to proceed in, hear, and determine all such cases as had been commenced in the county court. May 29, 1752. p. 131

No. 24. An Act limiting the serving of all processes to the provost marshal or his deputy. July 17, 1752. p. 135

No. 25. An Act in amendment of an Act made the 15th day of Nov., 1750, intituled an Act for the regulation of the market. Sept. 29, 1752. p. 137

No. 26. An Act providing in case of fire for the more speedy extinguishing thereof, and for the preserving of goods endangered thereby. Sept. 29, 1752. p. 140

No. 27. An Act to prevent disorderly and evilminded persons from privately deserting their habitations and improvements. Sept. 29, 1752. p. 148

No. 28. An Act in addition to an Act made the 24th day of February, 1749-50, intituled an Act relating to the building of wharves upon the beach before the town of Halifax. Oct. 3, 1752. p. 156

No. 29. An Act for ascertaining the fees of the coroner and his jury of inquest. Oct. 3, 1752. p. 160

No. 30. An Act in explanation of and in addition to an Act made the 15th of Nov., 1750, intituled an Act to prevent the cutting of pistereens or passing the parts of them for more than their value. Nov. 29, 1752. p. 164

No. 31. An Act in addition to an Act made the 14th January, 1750, intituled an Act for further regulation of the proceedings of the courts of justice within this province. Dec. 1, 1752. p. 167

No. 32. An Act to ascertain the damages on protested bills of exchange. Dec. 1, 1752. p. 170

No. 33. An Act in addition to and amendment of an Act made the 14th of January, 1750-51, intituled an Act for the further regulation of the proceedings of the courts of justice within this province. Dec. 4, 1752. p. 172

No. 34. An Act in addition to and amendment of an Act made the 10th day of March, 1752, intituled an Act relating to the amendment of copies of writs. Dec. 5, 1752. p. 176

No. 35. An Act for the relief of debtors, with respect to imprisonment of their persons. Dec. 6, 1752. p. 183

No. 36. An Act in addition to an Act made the 29th of April, 1751, intituled an Act for granting a bounty on fish and oil and for laying a duty on spirituous liquors as a fund for the payment thereof, and for effectually securing the payment of the said duty. Dec. 22, 1752. p. 207

No. 37. An Act to oblige the proprietors of land to make their quota of Fence. Dec. 22, 1752. p. 211

No. 38. An Act to prevent the monopoly of dead fresh provisions imported into this province. Feb. 3, 1752. p. 214

No. 39. An Act for preventing frauds in landing spirituous liquors imported subject to duty. Feb. 3, 1752. p. 218



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No. 40. An Act for the public registering of deeds, conveyances, mortgages, etc., touching real estate within the Province of Nova Scotia. p. 226

No. 41. An Act for the establishment of a ferry between the town of Halifax and Dartmouth. Feb. 3, 1752. p. 242

No. 42. An Act to explain an Act made the 14th day of January, 1750-51, intituled an Act for the further regulation of the courts of justice within this province. Feb. 3, 1752. p. 249

No. 43. An Act for granting to William Steele, Esq., a bounty of 2s. 6d. per barrel for each barrel of malt beer brewed by him and sold for 17s. 6d. per barrel. Feb. 20, 1752. p. 252

No. 44. An Act in addition to and amendment of an Act made the 13th of Dec., 1749, intituled an Act erecting courts of judicature within the province of Nova Scotia and for regulating the proceedings thereof. March 2, 1752. p. 255

No. 45. An Act in explanation of an Act made the 14th of January, 1750-51, intituled an Act for the further regulation of the proceedings of the courts of justice within the province. March 2, 1752. p. 259

No. 46. An Act to prevent frauds in the sale of flour by the barrel. March 6, 1752. p. 263

No. 47. An Act relating to the amendment of copies of writs. March 10, 1752. p. 267

No. 48. An Act for continuing to William Steele, Esq., the bounty upon malt beer brewed and sold within the province. Feb. 28, 1753. p. 270

No. 49. An Act in addition to an Act made the 3d day of February, 1752, intituled an Act for the establishment of a ferry between the town of Halifax and Dartmouth. March 8, 1753. p. 274

No. 50. An Act to prevent the destroying or stealing of fences within the peninsula of Halifax—also in and about—Dartmouth and other—lots of land situate in and about the harbour of said Halifax and Bedford bay. March 26, 1753. p. 277

No. 51. An Act for the preventing of retailing rum and other spirituous liquors by unlicensed persons at the garrison of Chignecto and for the more effectually securing the duties arising thereupon. April 23, 1753. p. 281

No. 52. An Act for the preservation of the buoys in the harbour of Halifax. April 23, 1753. p. 285

No. 53. An Act for establishing and regulating a militia. May 10, 1753. p. 289

No. 54. An Act in addition to an Act made the 10th day of May, 1753, intituled an Act for establishing and regulating a militia. June 21, 1753. p. 313

No. 55. An Act to explain and amend an Act passed on the tenth day of May, 1753, intituled an Act for establishing and regulating a militia. July 18, 1753. p. 316

No. 56. An Act appointing a committee to collect and revise, from the council records, all the laws that have been made since the arrival of Governor Cornwallis in this province. Aug. 21, 1753. p. 322

No. 57. An Act to prohibit the erecting of distilling houses or setting up of stills within the town or county of Halifax, without license. Aug. 28, 1753. p. 325

No. 58. An Act to establish two rules of the general court as laws of this province and to confirm the proceedings had in the said court and the inferior court of common pleas thereon. Sept. 4, 1753. p. 329

No. 59. An Act for the further continuing to William Steele, Esq., the bounty upon malt beer by him brewed and sold within this Province. Sept. 18, 1753. p. 335

*C.O. 412, vol. 495.*

No. 171. An Act for altering and further continuing an Act made in the eighth year of His Present Majesty's reign, intituled an Act for suppressing unlicensed



houses and for granting to His Majesty a duty on persons hereafter to be licensed. June 21, 1771. p. 2

No. 172. An Act for continuing an Act made in the tenth year of His present Majesty's reign, intituled an Act for granting to His Majesty a duty of impost on loaf sugar and cider. June 22, 1771. p. 5

No. 173. An Act in amendment to and for continuing the several Acts of the General Assembly of this province, relating to the duties of excise on rum and other distilled, spirituous liquors. June 22, 1771. p. 7

No. 174. An Act in amendment to and for containing the several Acts made by the General Assembly of this province relating to the duties of imposts on beer, rum, and other distilled spirituous liquors. June 22, 1771. p. 11

No. 175. An Act for further continuing an Act made in the eighth year of His present Majesty's reign, intituled an Act for granting to His Majesty an excise on wines sold within or brought into this province. June 22, 1771. p. 14

No. 176. An Act for continuing an Act made in the eighth year of His present Majesty's reign, intituled an Act for granting to His Majesty a duty on wheel carriages, within the peninsula of Halifax. June 22, 1771. p. 16

No. 177. An Act for altering and continuing an Act made in the tenth year of His present Majesty's reign, intituled an Act for granting to His Majesty an excise on tea, coffee and playing cards, sold within or brought into this province. June 22, 1771. p. 18

No. 178. An Act for continuing an Act made in the tenth year of His present Majesty's reign, intituled an Act for further regulating the market at Halifax. June 22, 1771. p. 21

No. 180. An Act to avoid the double payment of debts. July 6, 1771. p. 23

No. 181. An Act for altering the times of holding the courts of general sessions and inferior courts of common pleas at Annapolis in the county of Annapolis. July 6, 1771. p. 27

No. 182. An Act in further addition to an Act made in the thirty-second year of His late Majesty's reign intituled an Act for preventing trespasses. July 6, 1771. p. 30

No. 183. An Act in further addition to an Act made in the thirty-second year of His late Majesty's reign intituled an Act relating to treasons and felonies. July 6, 1771. p. 33

No. 184. An Act for altering and amending an Act made in the 33d year of His late Majesty's reign, intituled an Act relating to the assize of bread and for ascertaining the standard of weights and measures. July 6, 1771. p. 36

No. 185. An Act in addition and amendment of an Act made in the tenth year of His present Majesty's reign intituled an Act to enable the several counties within this province to raise money for payment of their representatives. July 6, 1771. p. 39

No. 186. An Act for the more effectually securing the title of purchasers against the claims for dower. July 6, 1771. p. 42

No. 188. An Act for altering an Act made in the ninth year of His present Majesty's reign, intituled an Act in further addition to, and amendment of an Act, made in the thirty-fourth year of His late Majesty's reign, intituled an Act for appointing commissioners of sewers. July 6, 1771. p. 45

No. 189. An Act in amendment of an Act made in the fifth year of His present Majesty's reign, intituled an Act for the summary trials of actions. July 6, 1771. p. 48

No. 190. An Act for continuing several Acts that are near expiring. July 6, 1771. p. 52

No. 191. An Act for altering, amending and further continuing an Act made in the sixth year of His present Majesty's reign, intituled an Act for prescribing the forms of writs and the manner of issuing the same. July 6, 1771. p. 54



## SESSIONAL PAPER No. 29b

No. 192. An Act in addition to an Act made in the sixth year of His present Majesty's reign, intituled an Act for the establishment of fees, as regulated by the Governor in Council, at the request of the House of Assembly. July 6, 1771. p. 57

No. 193. An Act in amendment of, and for continuing the several Acts of the General Assembly of this province, relating to the duties of impost and excise on beer, rum and other distilled spirituous liquors, cider, loaf sugar and wines therein mentioned. June 24, 1772. p. 61

No. 194. An Act for altering the times of holding the courts of general sessions and inferior court of common pleas at Horton in King's county. June 30, 1772. p. 65

No. 195. An Act for empowering the justices of the peace for the county of Sunbury to hold courts of general sessions of the peace at Warrington on the Island of Campo Bello in the said county for the said island, and for the district of Passamaquoddy, comprehending the islands within the said district. June 30, 1772. p. 68

No. 196. An Act to prevent, for a limited time, the exportation of wheat, rye, barley, flour, meal and peas from this province. June 30, 1772. p. 71

No. 197. An Act to repeal two Acts made in the tenth and eleventh years of His present Majesty's reign, to enable the several counties in this province to raise money for payment of their representatives. July 8, 1772. p. 75

No. 198. An Act declaring what shall be deemed merchantable timber for exportation to Great Britain. July 8, 1772. p. 78

No. 199. An Act in further amendment of and in addition to an Act made in the third year of His present Majesty's reign, intituled an Act to enable the several townships within this province to maintain their poor. July 8, 1772. p. 81

No. 200. An Act in further amendment to and in addition to an Act made in the thirty-second year of His late Majesty's reign, intituled an Act for confirming titles to lands and quieting possessions. July 8, 1772. p. 85

No. 201. An Act for raising a fund for the purpose of making and repairing bridges and roads of communication through the province. July 8, 1772. p. 89

No. 202. An Act in further amendment of the several Acts of the General Assembly of this province relating to the duties of impost and excise on rum and other distilled spirituous liquors and for continuing an Act made in the twelfth year of His present Majesty's reign, intituled an Act in amendment of and for continuing the several Acts of the General Assembly of this province relating to the duties of impost and excise on beer, rum and other distilled spirituous liquors, cider, loaf sugar and wines therein mentioned. April 24, 1773. p. 101

No. 203. An Act for further continuing the several Acts relating to the duty on licensed houses. April 24, 1773. p. 106

No. 204. An Act for regulating the fishery within the harbour of Halifax. April 24, 1773. p. 108

No. 205. An Act for amending and continuing an Act made in the twelfth year of His present Majesty's reign, intituled an Act for raising a fund for the purpose of making and repairing bridges and roads of communication thro' the province. April 24, 1773. p. 111

No. 206. An Act to prevent for a limited time the exportation or shipping of wheat, rye, barley, flour, meal and peas from any of the ports or places in this province within the Bay of Fundy. April 24, 1773. p. 114

No. 207. An Act in further amendment of and for continuing the several Acts of the General Assembly of this province, relating to the duties of impost and excise on beer, rum and other distilled spirituous liquors and wines therein mentioned. Nov. 12, 1773. p. 117

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No. 211. An Act in addition to an Act made in the first year of His present Majesty's reign, intituled an Act for the summary trial of actions. Nov. 12 1773. p. 136

No. 212. An Act in amendment of and for continuing an Act made in the ninth year of His present Majesty's reign, intituled an Act for establishing and regulating ferries. Nov. 12, 1773. p. 140

No. 213. An Act for continuing an Act made in the eighth year of His present Majesty's reign, intituled an Act for granting to His Majesty a duty on wheel carriages within the peninsula of Halifax. Nov. 12, 1773. p. 144

No. 214. An Act for continuing several Acts that are near expiring. Nov. 12, 1773. p. 147

No. 216. An Act to empower the Province Treasurer to issue other notes in exchange for such notes as have been issued heretofore in virtue of the several Loan Acts made by the General Assembly of this province (which) are defaced and worn. Nov. 12, 1773. p. 150

No. 217. An Act for rating and saving the expenses attending the executing writs of partition. Nov. 12, 1773. p. 154

No. 218. An Act in further amendment of an Act made in the first year of His present Majesty's reign, intituled an Act for repairing and mending of highways, roads, bridges and streets, and for appointing surveyors of highways within the several townships in this province. Nov. 12, 1773. p. 158

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No. 222. An Act to enable John Morrison, Deputy Surveyor of Lands, to recover of the inhabitants of the township of Clare the charges he has been at in surveying and laying out lands to the said inhabitants. Nov. 12, 1774. p. 172

No. 223. An Act to empower the Province Treasurer to borrow a sum not exceeding the sum of four hundred pounds for paying off the debt incurred by making bridges and opening the road to Truro in the county of Halifax. Nov. 12, 1774. p. 176

No. 224. An Act for punishing rogues, vagabonds and disorderly persons. Nov. 12, 1774. p. 181

No. 225. An Act in further addition to an amendment of and for continuing the several Acts of the General Assembly of this province therein mentioned, relating to the duties of impost and excise on wines, beer, rum and other distilled and spirituous liquors. Nov. 12, 1774. p. 190

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No. 228. An Act to prevent for a limited time the exportation of wheat, rye, barley, flour, meal and peas from this province. Nov. 12, 1774. p. 209

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No. 230. An Act to empower the Supreme Court to issue writs of certiorari. Dec. 12, 1774. p. 217

No. 231. An Act in further amendment of an Act made in the thirty-second year of His late Majesty's reign, intituled an Act relating to treasons and felonies. Dec. 12, 1774. p. 220

No. 232. An Act in further amendment of, and in addition to an Act made in the fifth year of His present Majesty's reign, intituled an Act for the summary trial of actions. Dec. 12, 1774. p. 223

No. 233. An Act for altering the times of holding the court of general sessions of the peace and inferior court of common pleas for the county of Cumberland. Dec. 12, 1774. p. 230

No. 234. An Act in amendment of an Act made in the thirty-second year of His late Majesty's reign, intituled an Act for punishing criminal offenders. Dec. 12, 1774. p. 233

No. 236. An Act for farming the duties of impost and excise on beer, rum and other distilled spirituous liquors and wines, loaf sugar and molasses at the several districts therein mentioned. Dec. 13, 1774. p. 236

No. 237. An Act to empower the Governor, Lieutenant Governor or Commander in Chief for the time being to prohibit the exportation of gunpowder, arms and ammunition, or saltpetre, or carrying the same coastways. July 5, 1775. p. 244

No. 239. An Act in addition to an Act made in the fifteenth year of His present Majesty's reign, intituled an Act to prevent waste and destruction of pine or other timber trees on certain reserved and ungranted lands in this province. July 20, 1775. p. 247

No. 240. An Act to enable certain persons therein named to state an account of the work done in the township of Truro for repairing of dikes and roads since the year 1761 and to oblige the persons concerned in the same to pay their proportion of the said expense. July 20, 1775. p. 250

No. 241. An Act in amendment of an Act made in the eighth year of His present Majesty's reign, intituled an Act for granting to His Majesty a duty on wheel carriages within the peninsula of Halifax. July 20, 1775. p. 253

No. 242. An Act in further amendment of the several laws relative to the summary trial of actions. July 20, 1775. p. 256

No. 243. An Act in addition to and amendment of the several Acts made by the General Assembly of this province for appointing commissioners of sewers. July 20, 1775. p. 259

No. 244. An Act for altering the times appointed for holding the supreme court in certain counties therein mentioned. July 20, 1775. p. 265

No. 245. An Act for the better securing the payment of certain debts due to the Government of this province. July 20, 1775. p. 268

No. 246. An Act in addition to the several Acts of this province made for regulating the militia and more particularly an Act made in the second year of His present Majesty's reign, intituled an Act for the better regulating the militia on actual service in time of war. Nov. 17, 1775. p. 272

No. 247. An Act for raising a tax on the inhabitants of this province for defraying the expense of maintaining and supporting the militia of the said province and for the defence of the same. Nov. 17, 1775. p. 280

No. 248. An Act for the ready admission of such of His Majesty's subjects in the colonies on the continent who may be induced to take refuge in this province from the anarchy and confusion there, and for securing the peace and securing the loyalty and obedience of the inhabitants of this province. Nov. 17, 1775. p. 288

No. 249. An Act for continuing several Acts that are near expiring. Nov. 17, 1775. p. 292

No. 250. An Act for further regulating the market at Halifax. Nov. 17, 1775. p. 295



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NOTE.—The dates given are those on which the Acts received the Governor's assent. In the margin of the volume are the dates when the Bill passed each House.

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No. 251. An Act in addition to an Act made in the first year of His present Majesty's reign, intituled an Act to prevent the spreading of contagious distempers. Nov. 17, 1775. p. 1

No. 252. An Act in addition to and amendment of an Act made in the eleventh year of His present Majesty's reign, intituled an Act for altering and amending an Act made in the thirty-second year of His late Majesty's reign, intituled an Act relating to the assize of bread, and for ascertaining the standard of weights and measures. Nov. 17, 1775. p. 5

No. 253. An Act to continue an Act made in the fifteenth year of His present Majesty's reign, intituled an Act to prevent for a limited time the exportation of wheat, rye, barley, flour, meal and peas from this province. Nov. 17, 1775. p. 9

No. 254. An Act in addition to and amendment of an Act made in the third year of His present Majesty's reign, intituled an Act to prevent nuisances by hedges, weirs and other incumbrances obstructing the passage of fish in the rivers of this province. Nov. 17, 1775. p. 12

No. 255. An Act for altering the time of sitting and holding the supreme court in King's county and at the counties of Annapolis and Cumberland in the spring circuit of the year 1776. Nov. 17, 1775. p. 16

No. 256. An Act for establishing the times of holding an inferior court of common pleas in the township of Yarmouth in Queen's county. Nov. 17, 1776. p. 19

No. 257. An Act in amendment to the several laws of this province concerning bail. Nov. 17, 1775. p. 22

No. 259. An Act in further amendment of an Act made in the sixth year of His present Majesty's reign, intituled an Act for prescribing the form of writs and the manner of issuing the same. June 29, 1776. p. 25

No. 260. An Act to repeal an Act made in the last session of the General Assembly intituled an Act in addition to the several Acts of this province made for regulating the militia, and more particularly an Act made in the second year of His present Majesty's reign, an Act for the better regulating the militia on actual service in time of war. June 29, 1776. p. 29

No. 261. An Act in addition to the several Acts made by the General Assembly of this province to enable the several townships within the same to maintain their poor. June 29, 1776. p. 32

No. 262. An Act for altering the times appointed for holding the Supreme Court. June 29, 1776. p. 36

No. 263. An Act in addition to an Act made in the thirteenth year of His present Majesty's reign, intituled an Act to empower the Province Treasurer to issue other notes in exchange for such notes as have been issued heretofore in virtue of the several Loan Acts, made by the General Assembly of this province, and are defaced and worn. June 29, 1776. p. 39

No. 264. An Act for continuing an Act made in the fifteenth year of His present Majesty's reign, intituled an Act for granting to His Majesty an excise on molasses and brown sugar sold within, or brought into this province, and for more effectually improving and extending the trade of this colony to the West Indies. June 29, 1776. p. 43

No. 265. An Act in further addition to and for continuing an Act made in the fifteenth year of His present Majesty's reign intituled an Act in amendment of and further addition to, and for continuing the several Acts of the General Assembly of this province therein mentioned relating to the duties of impost and excise on wines, beer, rum and other distilled spirituous liquors. June 29, 1776. p. 46



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No. 267. An Act for taking, examining and stating the public accounts for this province. June 29, 1776. p. 57

No. 268. An Act for restraining the exorbitant price of labour. June 23, 1777. p. 61

No. 269. An Act for regulating the price of certain provisions in the township of Halifax. June 23, 1777. p. 65

No. 270. An Act in addition to an Act intituled an Act to prevent trespasses. June 23, 1777. p. 68

No. 271. An Act in amendment of the several Acts for regulating juries. June 23, 1777. p. 71

No. 272. An Act for more effectually preventing the desertion of seamen and soldiers from His Majesty's navy and army in this province. June 23, 1777. p. 74

No. 273. An Act in further addition to an Act made in the third year of His present Majesty's reign, intituled an Act to enable the several townships within this province to maintain their poor. June 23, 1777. p. 78

No. 274. An Act in further addition to an Act made in the fifth year of His present Majesty's reign, intituled an Act for the choice of town officers and regulating townships. June 23, 1777. p. 82

No. 275. An Act in amendment of an Act made in the second year of His present Majesty's reign, intituled an Act for the better regulating the militia on actual service in time of war. June 23, 1777. p. 86

No. 276. An Act for the making perpetual an Act made in the eleventh year of His present Majesty's reign intituled an Act to avoid the double payment of debts. June 23, 1777. p. 90

No. 277. An Act for continuing the several Acts relating to the duty on wheel carriages within the peninsula of Halifax. June 23, 1777. p. 93

No. 278. An Act for the more effectually securing prisoners committed for crimes against His Majesty and Government and for the trial of such offenders. June 23, 1777. p. 96

No. 279. An Act for continuing the several Acts for raising a fund for the purpose of making and repairing bridges and roads of communication through the province. June 23, 1777. p. 100

No. 280. An Act for continuing an Act made in the fifteenth year of His present Majesty's reign, intituled an Act to empower the Governor, Lieutenant Governor, or commander in chief for the time being to prohibit the exportation of gunpowder, arms and ammunition or saltpetre, or carrying the same coastways. June 25, 1778. p. 103

No. 281. An Act for continuing several Acts that are near expiring. June 25, 1778. p. 106

No. 282. An Act in further addition to, and amendment of and for continuing the several Acts of the General Assembly of this province therein mentioned relating to the duties of impost and excise on wines, beer, rum and other distilled spirituous liquors. June 25, 1778. p. 110

No. 283. An Act for the making perpetual an Act made in the sixteenth year of His present Majesty's reign intituled an Act in addition and amendment of an Act made in the third year of His present Majesty's reign intituled an Act to prevent nuisances by hedges, weirs and other incumbrances obstructing the passage of fish in the rivers in this province. June 25, 1778. p. 114

No. 284. An Act to amend, render more effectual and reduce into one Act the several Acts made by the General Assembly of this province concerning bail. June 25, 1778. p. 117



No. 285. An Act for farming the duties of impost and excise on beer, rum and other distilled spirituous liquors and wine, brown sugar and molasses at the several districts therein mentioned. June 25, 1778. p. 121

No. 286. An Act in amendment of, and for continuing an Act made in the fifteenth year of His present Majesty's reign, intituled an Act for granting to His Majesty an excise on molasses and brown sugar sold within, or brought into this province, and for the more effectual improving and extending the trade of this colony with the West Indies. June 25, 1778. p. 129

No. 288. An Act for the more speedy recovery of His Majesty's debts within this province. June 25, 1778. p. 133

No. 289. An Act in further amendment of, and in addition to the several laws relating to the duty on licensed houses. June 25, 1778. p. 137

No. 290. An Act to empower the Governor, Lieutenant Governor or Commander in Chief to appoint sheriffs in such counties where it may be found necessary. June 25, 1778. p. 140

No. 292. An Act to prevent the spreading of distempers among horses and cattle in this province. June 18, 1779. p. 145

No. 293. An Act for providing pounds in the several townships in this province. June 18, 1779. p. 148

No. 294. An Act to empower the justices of the peace in their sessions to make regulations for the preventing of clandestine conveying away sheep and lambs from the townships in this province. June 18, 1779. p. 151

No. 295. An Act in amendment of an Act made in the thirty-second year of His late Majesty's reign, intituled an Act directing the proceedings against forcible entry and detainer. June 18, 1779. p. 155

No. 296. An Act to explain, amend and render more effectual the several laws of this province for repairing and mending highways, roads, bridges and streets. June 18, 1779. p. 159

No. 297. An Act in further addition and amendment of an Act made in the eleventh year of His present Majesty's reign, intituled an Act for altering and amending an Act made in the thirty-second year of His late Majesty's reign intituled an Act relating to the assize of bread and for ascertaining the standard of weights and measures. June 18, 1779. p. 163

No. 298. An Act for laying a duty on goods and merchandise, lands and tenements sold at public auction. June 18, 1779. p. 167

No. 299. An Act for laying an additional duty of excise on wines, rum and other distilled spirituous liquors. June 28, 1779. p. 173

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No. 301. An Act to regulate abuses in the sale of hides and skins. June 28, 1779. p. 179

No. 302. An Act to obviate doubts which have arisen in regard to the payment of the duties of import and excise on rum and other spirituous liquors. June 28, 1779. p. 184

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No. 304. An Act for the establishment of a public market for the sale of live stock within the town of Halifax. June 28, 1779. p. 192

No. 305. An Act for regulating carriers and owners of wagons, carts and trucks employed for hire on the roads between Halifax and the townships of Windsor, Truro, Onslow and Londonderry. June 28, 1779. p. 197

No. 306. An Act for laying a tax upon lands, tenements and hereditaments in the province for a certain limited time. June 28, 1779. p. 203



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No. 308. An Act for the more effectually securing all the goods, chattels, lands and tenements belonging to such persons who have deserted this province to join His Majesty's rebellious subjects in other colonies. June 28, 1779. p. 220

No. 309. An Act for establishing a public school in the town of Halifax. Nov. 3, 1780. p. 225

No. 310. An Act for continuing the several Acts of the General Assembly of this province therein mentioned, relating to the duties of impost and excise on wines, beer, rum and other distilled spirituous liquors. Nov. 3, 1780. p. 228

No. 311. An Act for continuing the several Acts of the General Assembly of this province therein mentioned, relating to the excise on molasses and brown sugar sold within, or brought into this province, and for the more effectual improving and extending the trade of this colony to the West Indies. -Nov. 3, 1780. p. 231

No. 312. An Act in further amendment of, and for continuing the several laws relating to the duty on licensed houses. Nov. 3, 1780. p. 234

No. 313. An Act for continuing the several laws relating to the duty on wheel carriages within the peninsula of Halifax. Nov. 3, 1780. p. 238

No. 314. An Act for the more speedy and effectual collecting such town rates and taxes as may be assessed on the inhabitants of the township of Halifax. Nov. 3, 1780. p. 240

No. 315. An Act in amendment of, and for continuing an Act made in the nineteenth year of His present Majesty's reign, intituled an Act for regulating carriers and owners of trucks, waggons and carts employed for hire on the roads between Halifax and the townships of Windsor, Truro, Onslow and Londonderry. Nov. 3, 1780. p. 243

No. 316. An Act in amendment of an Act made in the nineteenth year of His Majesty's reign, intituled an Act for the more effectual securing all the goods, chattels, lands and tenements belonging to such persons who have deserted this province to join His Majesty's rebellious subjects in the other colonies. Nov. 3, 1780. p. 247

No. 317. An Act for limiting the duration of the General Assemblies of this province. Nov. 3, 1780. p. 250

No. 318. An Act for laying an additional duty of excise on wines, rum and other distilled spirituous liquors. Nov. 3, 1780. p. 253

No. 319. An Act for raising the sum of 1,500 pounds by lottery for the building a public school in Halifax. Nov. 3, 1780. p. 256

No. 320. An Act for reducing the terms of holding the Supreme Court of Judicature and the Inferior Court of Common Pleas at Halifax. Nov. 3, 1780. p. 261

No. 337. An Act made in the second year of His present Majesty's reign, intituled an Act for appointing firewards, ascertaining their duty, and for punishing thefts and disorders at the time of fire. July 4, 1782.

No. 334. An Act in addition to, and for continuing and in amendment of the several Acts of the General Assembly of this province relating to the duties of impost and excise on wines, beer, rum and other distilled spirituous liquors. July 4, 1782.

No. 333. An Act to repeal certain clauses in two Acts of the General Assembly of this province which have been found injurious and oppressive to that part of His Majesty's subjects professing the Roman Catholic religion. June 29, 1782.

No. 332. An Act to exempt from the payment of the duties of impost and excise such molasses, rum or other distilled spirituous liquors as shall be issued to His Majesty's troops in this province as a gift or donation from His Majesty. June 29, 1782.



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No. 342. An Act to provide for the maintenance and support of the transient poor in this province by laying a duty on goods imported and sold by adventurers. July 4, 1782.

No. 335. An Act in amendment of and for continuing an Act made in the fifteenth year of His present Majesty's reign, intituled an Act for granting to His Majesty an excise on molasses and brown sugar sold within, or brought into this province,, and for the more effectual improving and extending the trade of this colony to the West Indies. July 4, 1782.

No. 340. An Act to repeal an Act made in the last session of the General Assembly intituled an Act in addition to and amendment of, and to reduce into one Act the several Acts of the General Assembly for regulating carriers and owners of waggons, carts and trucks travelling through this province. July 4, 1782.

No. 338. An Act in amendment of and in addition to an Act made in the first year of His present Majesty's reign, intituled an Act for registering marriages, births and deaths. July 4, 1782.

No. 341. An Act to raise a sum of money towards keeping in repair the roads leading from Halifax to Windsor and the district of Colchester. July 4, 1782.

No. 346. An Act to enable the creditors of Government to receive interest on such warrants as shall be drawn on the treasury and payable in pursuance of votes and resolutions of the General Assembly, which by a scarcity of money the Treasurer shall not be able to discharge. July 4, 1782.

No. 339. An Act for the relief of Samuel Smith, an insolvent debtor and prisoner in His Majesty's gaol at Halifax. July 4, 1782.

No. 343. An Act in further addition to, and amendment of the several laws made by the General Assembly of this province for the establishing and regulating the militia. July 4, 1782.

No. 345. An Act to provide for the support of the puisné judges of His Majesty's Supreme Court. July 4, 1782.

No. 344. An Act in addition to, and for continuing the several laws relating to the duty on licensed houses. July 4, 1782.

No. 336. An Act to restrain hawkers, pedlars and petty chapmen, not duly licensed to trade travelling to and fro through the province. July 4, 1782.

NOTE.—The dates given are those on which the Acts received the Governor's assent. In the margin of the volume are the dates when the Bill passed each House.

## ACTS OF THE PROVINCE OF NEW BRUNSWICK, 1795-1798.

*(Duplicate Copies.)*

No. 143. An Act for the more easy and speedy recovery of small debts.

No. 144. An Act to regulate the times of the sitting of the Inferior Courts of Common Pleas in this province and to enlarge the jurisdiction of the same and for the summary trials of certain actions.

No. 145. An Act in addition to an Act intituled an Act for the better ascertaining and confirming the boundaries of the several counties within this province and for subdividing them into towns or parishes.

No. 146. An Act for preserving the bank of the river Saint John in front of the parish of Lincoln in the country of Sunbury.

No. 147. An Act to continue several Acts that are near expiring.

No. 148. An Act to provide for the support of beacons to be erected for the better securing the navigation of Passamaquoddy bay, and building a slip in the harbour of Saint Andrews.



## SESSIONAL PAPER No. 29b

No. 149. An Act further to continue an Act intituled an Act for raising a revenue in this province.

No. 150. An Act to prevent Acts of the General Assembly from taking effect from a time prior to the passing thereof. March 12, 1796.

No. 151. An Act for reviving and continuing and Act intituled an Act for the support and relief of confined debtors. March 12, 1796.

No. 152. An Act to revive and continue an Act intituled an Act for preserving the bank of the river Saint John on front of the parishes of Maugerville, Sheffield and Waterborough. March 12, 1796.

No. 153. An Act for preventing unnecessary expense and delay in the process of barring entails, and for establishing a plain and easy form of conveying and assuring estates-tail. March 12, 1796.

No. 154. An Act to prevent bringing infectious distemper into the city of Saint John. March 12, 1796.

No. 155. An Act to amend an Act intituled an Act for regulating the fisheries in the different rivers, coves and creeks of this province, so far as the same respects the fisheries in that part of the county of Northumberland which is within the bay and river Miramichi and its branches. March 12, 1796.

No. 156. An Act for regulating, laying out and repairing highways and roads and for appointing commissioners and surveyors of highways within the several towns or parishes in this province, and for suspending for a limited time all the laws now in force relating to the same. March 12, 1796.

No. 157. An Act to continue an Act intituled an Act for the more easy and speedy recovery of small debts. Feb. 18, 1797.

No. 158. An Act to alter and amend an Act passed in the twenty-sixth year of His present Majesty's reign intituled an Act for preventing trespasses. Feb. 18, 1797.

No. 159. An Act to authorize the erection of fences and gates across certain roads in the several counties in this province where the same shall be found necessary. Feb. 18, 1797.

No. 160. An Act for regulating the exportation of fish and lumber and for repealing the laws now in force regulating the same. Feb. 18, 1797.

No. 161. An Act to prevent the growth of thistles. Feb. 18, 1797.

No. 162. An Act to alter and amend an Act intituled an Act for regulating, laying out and repairing highways and roads and for appointing commissioners and surveyors of highways within the several towns or parishes in this province, and for suspending for a limited time all the laws now in force relating to the same. Feb. 18, 1797.

No. 163. An Act in addition to and in amendment of an Act intituled an Act for the regulation of seamen. Feb. 9, 1798.

No. 164. An Act to continue sundry acts of the General Assembly that are near expiring. Feb. 9, 1798.

## ORDINANCES OF CAPE BRETON, 1790-1803.

*(Duplicate copies.)*

No. 21. An Ordinance for choosing constables for the town and county of Sydney. Aug. 8, 1790.

No. 22. An Ordinance for establishing of a parish and the regulating of the choice of church wardens and vestrymen. March 30, 1791.

No. 32. An Ordinance for regulating the price of cartage and truckage in the town and district of Sydney. January 12, 1803.



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No. 33. An Ordinance for the appointment of commissioners to manage and superintend the expenditure of the public revenues for other purposes tending to the public benefits and improvements of the island. Jan. 12, 1803.

No. 34. An Ordinance for regulating Grand and Petit Juries and declaring the qualifications of jurors. Feb. 14, 1803.

No. 35. An Ordinance to provide for the support and maintenance of bastard children and punishing the mother and reputed father. Feb. 17, 1803.

DUPLICATE DESPATCHES. AMHERST AND BOSCAWEN, 1758.

E. Boscawen to William Pitt. July 28, 1758.

Gen. Amherst to William Pitt. July 30, 1758.

E. Boscawen to William Pitt. Sept. 13, 1758.

Gen. Amherst to William Pitt. July 27, 1758.

Articles de Capitulation.



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## APPENDIX D.

## THE JOHN LOWE PAPERS.

- Case 1.—62 letters from public men: Sir John A. Macdonald, 10; Hon. D'Arcy McGee, 5; Senator Ryan, 2; A. R. Roche (*re* Hudson's Bay Co.), 10; J. Sheridan Hogan, 1, etc., etc.
- " 2.—27 letters from Sir Hugh Allan.
- " 3.—37 " Sir John Rose, Hon. Wm. Annand, &c.
- " 4.—74 " Hon. J. H. Pope.
- " 5.—42 " Hon. Justice Dunkin.
- " 6.—41 " Sir Geo. E. Cartier, Sir Alexander Campbell, Sir Leonard Tilley, Hon. Alexander Morris, Wm. Morris, Sir Narcisse Belleau, Hon. William Cayley, Hon. John Young, Hon. Edward Blake, Hon. John Bright.
- " 7.—71 letters from Hon. John Carling, Hon. A. R. Angers, Governor General's Secretaries, Sidney Smith, W. H. Griffin, and Sir Roderick Cameron.
- " 8.—56 letters from Sir John Shultz, Sir D. A. McPherson, Hon. C. C. Colby, Sir Mackenzie Bowell, Hon. Joseph Howe, Hon. Isaac Buchanan, Hon. R. D. Wilmot, Hon. D. E. Price, Hon. W. Pelletier, R. White, etc.
- " 9.—67 letters from Hon. L. Letellier, Hon. Wm. Macdougall, Erastus Wiman, Sir George Stephen, Sir Sandford Fleming, &c.
- " 10.—56 letters from Brown Chamberlain.
- " 11.—67 " Grand Trunk Railway.
- " 12.—22 letters and documents from Allan Line.
- " 13.—43 " " " " "
- " 14.—55 " " " " Canadian Pacific Railway; Addresses and petitions, Mackay Letters.
- " 15.—83 letters to Hon. J. H. Pope, and to Brown Chamberlain.
- " 16 to 23.—526 Letters to John Lowe.
- " 25 to 34.—1,616 Letters on the subject of emigration.
- " 35 to 37.—186 Documents on the subject of emigration.
- " 38 and 39.—298 Documents and Letters regarding Census matters.
- " 40.—75 Letters on general topics.
- " 41.—2 Documents and Newspapers, Mulock Case.
- " 42.—388 Letters, Year Book Correspondence.
- " 43.—77 Documents, Exhibitions in Australia and Philadélphia.
- " 44.—133 Letters, special and general.
- " 45 to 49.—302 Letters, Correspondence of Hon. J. H. Pope.
- " 50 and 51.—Documents regarding Cattle and Quarantine.
- " 52.—52 Documents regarding dairying, copyright, and estimates.
- " 53.—40 " " the Civil Service Commission, 1892, Archives, and Agriculture.
- " 54 and 55.—125 Documents (Confidential and Private).
- " 56.—77 Documents regarding Health Conferences and Patent Office Papers.
- " 57.—27 " " Retirement of John Lowe.
- " 58.—16 Additional Papers.



## Fifteen Letter Books,—

1. Private Letter Book, Brown Chamberlain, 78 Letters, 1855.
  2. Montreal Gazette, Letter Book, 609 Letters, 1857-1870.
  3. British American Advertising Agency, Letter Book, 223 Letters, 1860.
  4. Letter Book, J. Lowe, 1 letter, 1872.
  5. " " 530 letters, 1871-1872.
  6. " " 500 " 1872-1876.
  7. " " 500 " 1874-1876.
  8. " " 500 " 1876-1878.
  9. " " 500 " 1878-1880.
  10. " " 500 " 1880-1885.
  11. " " 400 " 1885.
  12. " " 500 " 1893.
  13. " " 574 " 1893.
  14. " " 500 " 1880-1885.
  15. " " 500 " 1885.
- 1 Box of papers, private and confidential, about 3,000.
- 1 Volume Health Statistics.
- 1 " Estimates, 1889-1890.
- 1 " Orders-in-Council, 1866-1884.
- 1 Box Memos, and personal writings of John Lowe, about 500.



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## APPENDIX E.

## ORDINANCES, MADE FOR THE PROVINCE OF QUEBEC, BY THE GOVERNOR AND COUNCIL OF THE SAID PROVINCE, SINCE THE ESTABLISHMENT OF THE CIVIL GOVERNMENT.

QUEBEC: Printed by BROWN &amp; GILMORE, near the Bishop's Palace, MDCCLXVII.

## AN ORDINANCE FOR REGULATING AND ESTABLISHING THE CURRENCY OF THE PROVINCE.

*By His Excellency the Honourable JAMES MURRAY, Esq; Captain-General and Governor in Chief, in and over the Province of QUEBEC, and of the Territories depending thereon in America, Vice-Admiral of the same, Governor of the Town of Quebec, and Colonel Commandant of the Second Battalion of the Royal American Regiment of Foot, &c. &c. &c. In Council, this 14th Day of September, in the Fourth Year of His Majesty's Reign, Annoque Domini, 1764.*

WHEREAS His Most Sacred Majesty, by His Instructions to His Excellency, bearing Date at *St. James's*, the Seventh Day of *December*, One Thousand Seven Hundred and Sixty-Three, hath been pleased to authorise and empower his said Excellency, with the Advice and Assistance of His Majesty's Council, to make Rules and Regulations, and Ordinances, for the better ordering and well governing of this His Province of *Quebec*: And whereas it is highly expedient and necessary, to fix a certain Value upon every Species of Coin now in this Colony, and to ascertain the Currency thereof throughout the whole Province, upon one certain and uniform Plan; and having maturely considered the several Currencies which prevail at this Time in the different Colonies and Provinces upon this Continent, as likewise the Ease and Convenience of His Majesty's good Subjects of the Province of *Quebec*; His Excellency the Governor, by and with the Advice and Assistance of His Majesty's Council, and by Virtue of the Power and Authority to him given by His Majesty's Letters Patent, under the Great Seal of *Great-Britain*, hath thought fit to *Ordain and Declare*; and His said Excellency the Governor, by and with the Advice and Assistance aforesaid, *Doth hereby Ordain and Declare*, That from and after the first Day of *January*, One Thousand Seven Hundred and Sixty-Five, the following Species of Coins shall pass current throughout this whole Province, at and after the several Rates herein mentioned, *viz.*

	Dwt.	Gr.	
The Johannes of <i>Portugal</i> , weighing.. . . .	18	6	— at £4 - 16 - 0
The Moydore.. . . .	6	18	— at 1 - 16 - 0
The Carolin of <i>Germany</i> .. . . .	5	17	— at 1 - 10 - 0
The Guinea.. . . .	5	4	— at 1 - 8 - 0
The Louis D'Or.. . . .	5	3	— at 1 - 8 - 0
The <i>Spanish</i> or <i>French</i> Pistole.. . . .	4	4	— at 1 - 1 - 0
The <i>Seville</i> , <i>Mexico</i> , and <i>Pillar</i> Dollar,.. . . .	17	12	— at 0 - 6 - 0
A <i>French</i> Crown, or Six <i>Livre</i> Piece,.. . . .	19	4	— at 0 - 6 - 8
The <i>French</i> Piece, passing at present for £0 - 4 - 6			
<i>Halifax</i> .. . . .	15	16	— at 0 - 5 - 6
The <i>British</i> Shilling,.. . . .	0	0	— at 0 - 1 - 4
The Pistereen.. . . .	0	0	— at 0 - 1 - 2
The <i>French</i> Nine-Penny Piece,.. . . .	0	0	— at 0 - 1 - 0
Twenty <i>British</i> Coppers,.. . . .	0	0	— at 0 - 1 - 0



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And all the higher or lower Denominations of the said Gold and Silver Coins, to pass current likewise in their due Proportions.

*And it is hereby further Ordained and Declared*, That from and after the said first day of *January*, One Thousand Seven Hundred and Sixty-Five, the above Species of Coins, or any of them, according to the above Rates, shall be deemed a legal Tender in Payment of all Debts and Contracts, that have, or shall be made within this Province, where there is no special Agreement to the Contrary, drawn up in Writing, or before sufficient Witnesses; and that in all Agreements, prior to, or since the Conquest of this Province, which have been made in Livres, according to the Method of Computation heretofore in Use, the Livre shall be estimated equal to *One Shilling* of the Currency hereby established, the Dollar to be equal to *Six Livres*, or *Six Shillings*, and in the same Proportion for every Coin herein specified.

And whereas a Practice has been introduced of cutting Dollars, and of passing the Fragments as small Change at an arbitrary Value; and the same being liable to great Fraud and Abuse, *It is hereby further Ordained and Declared*, That from the Date of the Publication hereof, no Parts of Dollars, or any other Coin, so cut, or otherwise clipped, shall be admitted to pass current by Way of Change in any Part of this Province; and that all Persons, uttering or passing any such, upon Conviction thereof by the Oath of one credible Witness, before one or more Justices of Peace, shall, for the first Offence, forfeit the Sum of *Ten Shillings*, current Money of the Province, and *Twenty* for the Second, besides one Month's Imprisonment; the said Fines, so levied, to be applied to His Majesty's Use.

And, in Order to prevent the Importation of Copper in such Abundance, as to drain the Country of its Gold and Silver, *It is hereby further Ordained and Declared, by the Authority aforesaid*, That from the Date of the Publication hereof, all *Sols Marqués*, whether old or new, shall pass only as *Farthings*, that is to say, from the Date of the Publication hereof, until the first Day of *January* next, Forty-eight *Sols Marqués* shall be deemed equal to *One Shilling Halifax*, and Thirty of said *Sols Marqués* equal to *One Shilling York* Currency; but that from and after the said first Day of *January* next ensuing, Forty-Eight of the said *Sols Marqués* shall be equal to *One Shilling* of the Currency of this Province. *Provided nevertheless*, That no Person shall be obliged to receive of said *Sols Marqués*, or other Copper, at any one Payment, for above the Value of *One Shilling* of the Currency hereby established.

*GIVEN by His Excellency the Honorable JAMES MURRAY, Esq; Captain-General and Governor in Chief of the Province of QUEBEC, and Territories thereon depending in America, Vice Admiral of the same, Governor of the Town of Quebec, Colonel-Commandant of the Second Battalion of the Royal American Regiment, &c. &c. In Council, at Quebec, the 14th of September, Anno; Domini, 1764, and in the Fourth Year of the Reign of our Sovereign Lord KING GEORGE the III. by the Grace of God, of Great-Britain, France and Ireland, KING, Defender of the Faith, &c. &c.*

JA: MURRAY.

By Order of His EXCELLENCY in Council,  
J. GRAY, D. Sec<sup>ry</sup>.

AN ORDINANCE, *For regulating and establishing the Courts of Judicature, Justices of the Peace, Quarter-Sessions, Bailiffs, and other Matters relative to the Distribution of Justice in this Province.*

WHEREAS it is highly expedient and necessary, for the well governing of His Majesty's good Subjects of the Province of *Quebec*, and for the speedy and impartial Distribution of Justice among the same, that proper Courts of Judicature, with proper Powers and Authorities, and under proper Regulations, should be established and appointed:



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His Excellency the Governor, by and with the Advice, Consent and Assistance of His Majesty's Council, and by Virtue of the Power and Authority to him given by His Majesty's Letters Patent, under the Great Seal of *Great-Britain*, hath thought fit to Ordain and Declare; and his said Excellency, by and with the Advice, Consent and Assistance aforesaid, *Doth hereby Ordain and Declare*,

That a Superior Court of Judicature, or Court of King's Bench, be established in this Province, to sit and hold Terms in the Town of *Quebec*, twice in every Year, *viz.* One to begin on the Twenty-first Day of January, called *Hillary* Term, the other the twenty-first Day of *June*, called *Trinity* Term.

In this Court His Majesty's Chief-Justice presides, with Power and Authority to hear and determine all criminal and civil Causes, agreeable to the Laws of *England*, and to the Ordinances of this Province; and from this Court an Appeal lies to the Governor and Council, where the Matter in Contest is above the Value of *Three Hundred Pounds* Sterling; and from the Governor and Council an Appeal lies to the King and Council, where the Matter in Contest is of the Value of *Five Hundred Pounds* Sterling or upwards.

In all Tryals in this Court, all His Majesty's Subjects in this Colony to be admitted on Juries without Distinction.

And His Majesty's Chief-Justice, once in every Year, to hold a Court of Assize, and General Goal-Delivery, soon after *Hillary* Term, at the Towns of *Montreal* and *Trois-Rivieres*, for the more easy and convenient Distribution of Justice to His Majesty's Subjects in those distant Parts of the Province.

And whereas an inferior Court of Judicature, or Court of Common-Pleas, is also thought necessary and convenient, *It is further Ordained and Declared, by the Authority aforesaid*, That an inferior Court of Judicature, or Court of Common-Pleas, is hereby established, with Power and Authority, to determine all Property above the Value of *Ten Pounds*, with a Liberty of Appeal to either Party, to the Superior Court, or Court of King's-Bench, where the Matter in Contest is of the Value of *Twenty Pounds* and upwards.

All Tryals in this Court to be by Juries, if demanded by either Party; and this Court to sit and hold two Terms in every Year at the town of *Quebec*, at the same Time with the Superior Court, or Court of King's-Bench. Where the Matter in Contest in this Court is above the Value of *Three Hundred Pounds* Sterling, either Party may (if they shall think proper) appeal to the Governor and Council immediately, and from the Governor and Council an Appeal lies to the King and Council, where the Matter in Contest is of the Value of *Five Hundred Pounds* Sterling or upwards.

The Judges in this Court are to determine agreeable to Equity, having Regard nevertheless to the Laws of *England*, as far as the Circumstances and present Situation of Things will admit, until such Time as proper Ordinances for the Information of the People can be established by the Governor and Council, agreeable to the Laws of *England*.

The *French* Laws and Customs to be allowed and admitted in all Causes in this Court, between the Natives of this Province, where the Cause of Action arose before the first Day of *October*, One Thousand Seven Hundred and Sixty-four.

The first Process of this Court to be an Attachment against the Body.

An Execution to go against the Body, Lands or Goods of the Defendant.

*Canadian* Advocats, Proctors, &c., may practice in this Court.

And whereas it is thought highly necessary for the Ease, Convenience, and Happiness of all His Majesty's loving Subjects, That Justices of the Peace should be appointed for the respective Districts of this Province, with Power of determining Property of small Value in a summary Way, *It is therefore further Ordained and Declared, by the Authority aforesaid*, and full Power is hereby Given and Granted to any one of His Majesty's Justices of the Peace, within their respective Districts, to



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hear and finally determine in all Causes or Matters of Property, not exceeding the Sum of *Five Pounds* current Money of *Quebec*, and to any two Justices of the Peace, within their respective Districts, to hear and finally determine in all Causes or Matters of Property, not exceeding the Sum of *Ten Pounds* said Currency, which Decisions being within, and not exceeding the aforesaid Limitation, shall not be liable to an Appeal; and also full Power is, by the Authority aforesaid, Given and Granted, to any three of said Justices of the Peace to be a Quorum, with Power of holding Quarter-Sessions in their respective Districts every three Months, and also to hear and determine all Causes and Matters of Property which shall be above the Sum of *Ten Pounds*, and not exceeding *Thirty Pounds* current Money of *Quebec*, with Liberty of Appeal to either Party to the Superior Court, or Court of King's-Bench: *And it is hereby Ordered*, That the aforesaid Justices of the Peace do issue their Warrants, directed to the Captains and other Officers of the Militia in this Province, to be by them executed, until the Provost-Marshal, legally authorized by His Majesty, shall arrive, and other inferior Officers be appointed for that Purpose; all Officers, Civil and Military, or other His Majesty's loving Subjects, are hereby commanded and required to be aiding and assisting to the said Justices and Officers of Militia in the due Execution of their Duty. *And it is further Ordered and Directed, by the Authority aforesaid*, That two of the said Justices of the Peace do sit weekly in Rotation, for the better Regulation of the Police, and other Matters and Things in the Towns of *Quebec* and *Montreal*, and that the Names of the Justices who are to sit in each Week, be posted up on the Door of the Session-House by the Clerk of the Peace, two Days before their respective Days of Sitting; that all Persons may know to whom to apply for Redress.

And whereas there are not at present a sufficient Number of Protestant Subjects, resident in the intended District of *Trois-Rivieres*, qualified to be Justices of the Peace, and to hold Quarter-Sessions, *It is therefore further Ordained and Declared, by the Authority aforesaid*, That from henceforth this Province shall be divided into two Districts, to be known and called by the Names of *Quebec* and *Montreal*, for the Time being, and until there may be a competent Number of Persons settled at or near *Trois-Rivieres*, duly qualified to execute the Office of Justices of the Peace, and the Power of holding such Quarter-Sessions above-mentioned, or until His Majesty's Pleasure be known in that Behalf; and that the said two Districts be divided and bounded by the River *Godfroy* on the South, and by the River *St. Maurice* on the North Side.

And whereas it is thought very expedient and necessary, for the speedy and due Execution of the Laws, and for the Ease and Safety of His Majesty's Subjects, That a sufficient Number of inferior Officers should be appointed in every Parish throughout this Province; *It is therefore Ordered, by the Authority aforesaid*, That the Majority of the Householders, in each and every Parish, do, on the Twenty-fourth Day of *June*, in every Year, elect and return to the Deputy-Secretary, within fourteen Days after such Election, six good and sufficient Men to serve as Bailiffs and Sub-Bailiffs in each Parish, out of which Number the King's Governor, or Commander in Chief for the Time being, with the Consent of the Council, is to nominate and appoint the Persons who are to act as Bailiffs and Sub-Bailiffs in each Parish; and such Nomination or Appointment is to be notified by the Deputy-Secretary to the respective Parishes, and also published in the QUEBEC-GAZETTE, some Time in the last Week in *August* in every Year; and the said Bailiffs and Sub-Bailiffs, so nominated as aforesaid, are to enter upon, and begin to execute their respective Offices on the Twenty-ninth Day of *September* in every Year.

No Person to be elected a second Time to the same Office, except the whole Parish has served round, or that those who have not, are laid aside for some material Objection, which must be supported by Proof; But that there may never be an entire Set of new Officers at one Time, but that those who remain may be able to instruct those



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who enter into Office, one of those Persons who served as Sub-Bailiffs in each Parish, to be elected and nominated Bailiffs of said Parish the ensuing Year.

If a Bailiff dies in his Office, the Governor, or Commander in Chief, will nominate one of those returned by said Parish to serve as Sub-Bailiffs for the Remainder of the Year; and when a Sub-Bailiff happens to die in Office, the Bailiffs shall assemble the Parish upon the next publick Feast Day insuing his Decease, who shall proceed to elect and return, as aforesaid, another Sub-Bailiff.

The Election of Bailiffs and Sub-Bailiffs for this present Year, to be on the Twentieth Day of *October*; their Names to be returned immediately after the Election: Their Nomination will be notified and published by the Deputy-Secretary as soon as may be, and they shall enter upon, and begin to execute their respective Offices, on the First Day of *December*, but all Elections, &c., after this Turn, shall be upon the Days and Times above-mentioned and appointed for that Purpose.

The Bailiffs are to oversee the King's High-ways and the publick Bridges, and see that the same are kept in good and sufficient Repair; to arrest and apprehend all Criminals, against whom they shall have Writs or Warrants, and to guard and conduct them through their respective Parishes, and convey them to such Prisons or Places as the Writ or Warrant shall direct: They are also to examine all Bodies that are exposed, and on whom any Marks of Violence appear, in Presence of five reputable Householders of the same Parish, whom he is hereby impowered to summons to inspect the same, and report in Writing the State and Circumstances thereof to the next Magistrate, that a further Examination may be made therein if necessary; but this is to be done only where the Coroner cannot by any Possibility attend, which in this extensive Province may frequently happen.

Where any Disputes happen concerning the Breaking or Repairing of Fences, upon Complaint made to the Bailiff, he shall summons the Defendant, who is to choose three indifferent Persons, and the Plaintiff three more, and these six, the Bailiff presiding, to decide the Dispute; from their Sentence either Party may appeal to the Quarter-Sessions; the Person found in Fault to pay One Shilling and no more, to the Person who shall draw up the Decision.

These Bailiffs to be sworn into their Office by the next Justice of the Peace, as soon as may be after their Nomination as aforesaid, and the said Oath to be returned to the next Quarter-Sessions by such Justice.

*GIVEN by His Excellency the Honorable JAMES MURRAY, Esq; Captain-General and Governor in Chief of the Province of QUEBEC, and Territories thereon depending in America, Vice Admiral of the same, Governor of the Town of Quebec, Colonel-Commandant of the Second Battalion of the Royal American Regiment, &c. &c. In Council, at Quebec, the 17th of September, Anno, Domini, 1764, and in the Fourth Year of the Reign of our Sovereign Lord GEORGE the III. by the Grace of God, of Great-Britain, France and Ireland, KING; Defender of the Faith, &c. &c.*

JA: MURRAY.

By Order of His EXCELLENCY in Council,  
J. GRAY, D. Sec<sup>ry</sup>.

An ORDINANCE, *Declaring what shall be deemed a due Publication of the Ordinances of the Province of Quebec.*

WHEREAS it is highly necessary and expedient, That the several Ordinances made in this Province, should be duly published and made known to all His Majesty's loving Subjects within the same: And whereas publishing in the QUEBEC-GAZETTE has been found the most convenient and expeditious Method of conveying to the Knowledge of the Publick, all such Matters and Things as have been, or may be thought proper to communicate to them:



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His Excellency the Governor, by and with the Advice, Consent and Assistance of His Majesty's Council, and by Virtue of the Power and Authority to him given, by His Majesty's Letters Patent, under the Great Seal of *Great-Britain*, hath thought fit to Ordain and Declare; and his said Excellency, by and with the Advice, Consent and Assistance aforesaid, doth hereby *Ordain and Declare*,

That the publick Reading of any Ordinance of this Province, by the Provost-Marshal or his Deputy, in the three principal Towns of the said Province, *to wit: Quebec, Montreal and Trois-Rivieres*, after Notice by Beat of Drum, and the publishing the same in the *Quebec-Gazette*, shall be deemed a sufficient Publication thereof.

And all Ordinances heretofore, or which hereafter may be published in that Manner, are hereby Declared to be in Force accordingly, from the Time of such Publication.

*GIVEN by His Excellency the Honourable JAMES MURRAY, Esq; Captain-General and Governor in Chief of the Province of QUEBEC, and Territories thereon depending in America, Vice-Admiral of the same, Governor of the Town of Quebec, Colonel-Commandant of the Second Battalion of the Royal American Regiment, &c. &c. In Council, at Quebec, the 3rd Day of October, Anno Domini, 1764, and in the Fourth Year of the Reign of our Sovereign Lord GEORGE the III. by the Grace of God, of Great-Britain, France and Ireland, KING, Defender of the Faith, &c. &c.*

JA: MURRAY.

By Order of His Excellency in Council,  
J. GRAY, *D. Sec<sup>ry</sup>*.

An ORDINANCE, *Relating to the Assize of Bread, and for ascertaining the Standard of Weights and Measures in the Province of Quebec.*

WHEREAS great Frauds are daily committed in this Province, because no Standards for Weights and Measures, or Assize of Bread, have hitherto been established,

His Excellency the Governor, therefore, by and with the Advice and Consent of His Majesty's Council for the said Province, and by Virtue of the Power and Authority to him given, by His Majesty's Letters Patent under the Great Seal of *Great-Britain*, hath thought fit to Ordain and Declare, and his said Excellency, by and with the Advice and Consent aforesaid, *Doth hereby Ordain and Declare*, That from and after the Tenth Day of *October*, One Thousand Seven Hundred and Sixty-four, all Weights and Measures used in this Province, shall be according to the Standard of the Exchequer of *England*, and that the Receiver-General of this Province, as soon as may be, procure a Set of Measures, Long, Liquid and Dry, and a set of Brass Weights and Scales; and that until such Weights and Measures shall arrive, the Weights and Measures at His Majesty's Custom-House shall be the Standard:

And the Clerks of the Market for each Town (to be hereafter appointed) shall procure therefrom, a Set of Weights according to such Standard, which shall remain

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with them as Assay Weights, and shall be marked with the Letters G : R:

*And be it further Ordained and Declared*, That every Inhabitant of each Town respectively, making use of Weights and Measures in the Sale of any Commodity, shall, in one Week after public Notice given, by such Clerks respectively, bring, or cause to be brought, their Weights and Measures to be assayed, for each of which Assay he shall have *Two Pence* for his Trouble and no more; and the said Clerk shall cause such Weights and Measures to be branded, or stamped, with the Initial Letter of the Town where such Assay shall be made. And whosoever shall thence-forward



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sell, or vend, any Commodity by Weights or Measures not so branded, or marked, shall forfeit for every such offence *Twenty Shillings*, on due Conviction thereof before any one of His Majesty's Justices of the Peace for the District wherein the Offence shall be committed, to be levied by Warrant of Distress, and Sale of the Offenders Goods.

And for the more effectual preventing such Frauds, *Be it further Ordained and Declared*, That the said Clerks shall, and are hereby impowered, to inspect all Weights and Measures; and for that Purpose, once in three Months, or oftner, if they see Cause, shall visit every Inhabitant selling publicly by Weights and Measures, and shall have full Power and Authority to seize all such, not stampd or branded as aforesaid, and may assay and mark and dispose of the same for their Use, as a Satisfaction for their Trouble therein: And if any Person shall hereafter be convicted of selling by Weights and Measures, less than the Standard hereby established, he shall forfeit the Sum of *Ten Pounds*, to be recovered by Bill, Complaint or Information in any of His Majesty's Courts of Record, for the Use of His said Majesty.

And for preventing Frauds in the Assize of Bread, *Be it Ordained and Declared*, That the Clerks of the Market be, and are hereby impowered to visit every Bake-House, or the House of any Person selling Bread, and to seize all such as shall be found under the Weights and Assize established by this Ordinance, or under the Weights that may be from Time to Time hereafter regulated and established, by any three of His Majesty's Justices of the Peace, according to the true Intent and Meaning of this Ordinance, *viz.*

When the Price of Wheaten Flour is at, or under	Avoirdupoize.	
<i>Fourteen Shillings</i> the 112 lbs. Avoirdupoize,	lb.	oz.
The <i>Sixpenny</i> Loaf of the same shall weigh. . . . .	4	- 0
Ditto Brown Loaf. . . . .	6	- 0

And in that Proportion, less or more, when the Price of Wheaten Flour is dearer or cheaper than the above Price of *Fourteen Shillings* per 112 lbs. And it shall and may be lawful for said Clerks to stop and examine the Bread that may be carried through the Streets, by any Person or Persons, either for immediate Sale, or the Supply of his or their Customers, and in the like Manner to seize all such as shall be found under the Weight and Assize; which Assize to be regulated by any three Justices of the Peace in the Districts of *Quebec* and *Montreal*, on the first Monday in every Month, and by them published.

*And be it further Ordained and Declared*, That every Baker within this Province, shall, and are hereby required, to mark his Bread with the first Letter of his Christian and Sur-name, which upon Failure thereof shall be seized, and such Bread so seized shall be forfeited, and delivered to the Overseers of the Poor of the Town where the Offence is committed, for the Benefit of the Poor or Prisoners.

*Provided always*, That if any Person shall think himself agrieved by such Seizure, he may apply for Redress to any of His Majesty's Justices of the Peace for the District, who is hereby impowered to determine the same, if Application be made within twelve Hours after the Seizure be made.

*And be it further Ordained and Declared*, That if any Person, making use of Weights and Measures, or selling Bread, shall refuse Admittance to any of the said Clerks, declaring the Intent of their coming to discharge the Duty of their Office, he shall for every such Refusal forfeit the Sum of *Twenty Shillings*, to be recovered before any one of His Majesty's Justices of the Peace.

*GIVEN* by His Excellency the Honorable JAMES MURRAY, Esq; Captain-General and Governor in Chief of the Province of QUEBEC, and Territories thereon depending in America, Vice Admiral of the same, Governor of the Town of Quebec, Colonel-Commandant of the Second Battalion of the Royal



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*American Regiment, &c. &c. In Council, at Quebec, the 3d of September, Anno, Domini, 1764, and in the Fourth Year of the Reign of our Sovereign Lord GEORGE the III. by the Grace of God, of Great-Britain, France and Ireland, KING, Defender of the Faith, &c. &c.*

JA: MURRAY.

By Order of His EXCELLENCY in Council,  
J. GRAY, D. Sec<sup>ry</sup>.

AN ORDINANCE, *For ratifying and confirming the Decrees of the several Courts of Justice established in the Districts of Quebec, Montreal and Trois-Rivieres, prior to the Establishment of Civil Government throughout this Province, upon the tenth Day of August, One Thousand Seven Hundred and Sixty-four.*

WHEREAS upon the Conquest of this Country, His Majesty's Commander in Chief of the Forces in America, did Order and Direct Justice to be administered to the Inhabitants thereof, by Courts established for that Purpose in the several Governments, into which this Province was at that Time divided, of which His Majesty, through one of His Secretaries of State, was pleased to signify His Royal Approbation, and to command the same to subsist and continue, until Civil Government could with Propriety be settled therein; And,

In Order to satisfy any Doubts which might arise, with Regard to the Decisions of the said Courts, and as far as may be, to prevent all vexatious Lawsuits, which might at present or hereafter arise therefrom, his Excellency the Governor, by and with the Advice, Consent and Assistance of His Majesty's Council, and by Virtue of the Power and Authority to him given by His Majesty's Letters Patent, under the Great Seal of *Great-Britain*, Hath thought fit to Ordain and Declare; and his said Excellency, by and with the Advice, Consent and Assistance aforesaid, *Doth hereby Ordain and Declare*, That from the eighth Day of *September*, in the Year One Thousand Seven Hundred and Sixty, the Date of the Capitulation of *Montreal*, until the tenth Day of *August* last, from which Time Civil Government took Place throughout this Province, all Orders, Judgments, or Decrees of the Military Council of *Quebec*, and of all other Courts of Justice in said Government, or in those of *Montreal* and *Trois Rivieres*, do stand approved, ratified and confirmed, and shall have their full Force and Effect, except in such Cases where the Value in Dispute exceeded the Sum of *Three Hundred Pounds Sterling*, when either Party may appeal to His Majesty's Governor and Council of the Province, provided such Appeal be lodged with the Clerk, or Deputy-Clerk of His Majesty's Council of *Quebec*, within two months after the Publication hereof, and sufficient Security is given by the Appellant, to pay all such Costs and Charges as shall be awarded thereon, if the Decree is affirmed; and from the Governor and Council an Appeal lies to the King and Council, where the Value in Dispute amounted to the Sum of *Five Hundred Pounds Sterling* or upwards, the Appellant giving sufficient Security as aforesaid, if the Decree is affirmed.

*And it is hereby further Ordained and Declared*, That if before the Publication of the present Ordinance, and since the Establishment of Civil Government throughout the Province, any Person has been arrested, or Process issued upon any Matter already tried before any of the Courts aforesaid, in the several Governments of *Quebec*, *Montreal* and *Trois-Rivieres*, before the Tenth Day of *August* last, the Person so arrested, or against whom such Process has been issued, shall lay their Case in Writing, by Way of Petition, before His Excellency and the Council, together with an attested Copy or Copies of such Decree or Decrees, that Examination being had of the same, if properly founded, the Action may be immediately dismissed; the Parties nevertheless preserving their Right of appealing as aforesaid, where the Value of the Matter so tried, shall appear to have exceeded the said Sums of *Three Hundred Pounds Sterling*, and *Five Hundred Pounds Sterling*.



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*And it is hereby further Ordained and Declared, by the Authority aforesaid, That the Judges, Justices of the Peace, and other Magistrates or Civil-Officers of this Province, whom it doth or may concern, upon Application of the several Parties, shall put in Execution all such Orders, Judgements or Decrees of the said Courts, the same being properly attested, as have not been already executed, saving to the several Parties concerned, their Right of Appeal as aforesaid, where the Matter in Dispute exceeded the above limited Sums of Three Hundred Pounds Sterling, and Five Hundred Pounds Sterling.*

*GIVEN by His Excellency the Honorable JAMES MURRAY, Esq; Captain-General and Governor in Chief of the Province of QUEBEC, and Territories thereon depending in America, Vice-Admiral of the same, Governor of the Town of Quebec, Colonel-Commandant of the Second Battalion of the Royal American Regiment, &c. &c. In Council, at Quebec, the 20th Day of September, Anno Domini, 1764, and in the Fourth Year of the Reign of our Sovereign Lord GEORGE the III. by the Grace of GOD, of Great-Britain, France and Ireland, KING, Defender of the Faith, &c. &c.*

JA: MURRAY.

By Order of His Excellency in Council,  
J. GRAY, *D. Secry.*

An ORDINANCE, *For quieting People in their Possessions, and fixing the Age of Maturity.*

WHEREAS it appears right and necessary, to quiet the Minds of the People, in Regard to their Possessions, and to remove every Doubt respecting the same, which may any Ways tend to excite and encourage vexatious Law-Suits; and until a Matter of so serious and complicated a Nature, fraught with many and great Difficulties, can be seriously considered, and such Measures therein taken, as may appear the most likely to promote the Well-fare and Prosperity of the Province in general, His Excellency, by and with the Advice and Consent of His Majesty's Council *Doth hereby Ordain and Declare*, That until the tenth Day of August next, the Tenures of Lands, in Respect to such Grants as are prior to the Cession thereof, by the definitive Treaty of Peace, signed at *Paris* the tenth Day of February, One Thousand Seven Hundred and Sixty-three, and the Rights of Inheritance, as practiced before that Period, in such Lands or Effects, of any Nature whatsoever, according to the Custom of this Country, shall remain to all Intents and Purposes the same, unless they shall be altered by some declared and positive Law; for which Purpose the present Ordinance shall serve as a Guide and Direction in all such Matters, to every Court of Record in this Province: Provided that nothing in this Ordinance contained shall extend, or be construed to extend to the Prejudice of the Rights of the Crown, or to debar His Majesty, His Heirs or Successors from obtaining, by due Course of Law, in any of His Courts of Record in this Province, according to the Laws of *Great-Britain*, any Lands or Tenements, which at any Time hereafter may be found to be invested in His Majesty, his Heirs or Successors, and in the Possession of any Grantee or Grantees, his, her, or their Assigns, or such as claim under them, by Virtue of any such Grants as aforesaid, or under Pretence thereof, or which hereafter may be found to have become forfeited to His Majesty, by Breach of all or any of the Conditions in such Grants respectively mentioned and contained.

*And be it Ordained and Declared, by the Authority aforesaid, That from and after the first Day of January, One Thousand Seven Hundred and Sixty-five, every Person arrived at the Age of Twenty-one compleat Years, shall be deemed for the future of full Age and Maturity agreeable to the Laws of England, and shall be entit-*



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uled to take full Possession from that Time of every Estate or Right to him belonging; in Consequence thereof to sue for the same, or bring to Account the Guardians, or other Persons who may have been entrusted therewith.

*GIVEN by His Excellency the Honorable JAMES MURRAY, Esq; Captain-General and Governor in Chief of the Province of QUEBEC, and Territories thereon depending in America, Vice Admiral of the same, Governor of the Town of Quebec, Colonel-Commandant of the Second Battalion of the Royal American Regiment, &c. &c. In Council at Quebec, the 6th Day of November, Anno, Domini, 1764, and in the Fifth Year of the Reign of our Sovereign Lord GEORGE the III. by the Grace of God, of Great-Britain, France and Ireland, KING, Defender of the Faith, &c. &c.*

JA: MURRAY.

By Order of His EXCELLENCY in Council,

H: KNELLER, D: G: G:

An ORDINANCE, *For amending and explaining an Ordinance of His Excellency the Governor and Council of this Province, made the twentieth Day of September last, Intituled, An Ordinance for ratifying and confirming the Decrees of the several Courts of Justice, established in the Districts of Quebec, Montreal and Trois-Rivières, prior to the Establishment of Civil Government throughout this Province, upon the tenth Day of August, One Thousand Seven Hundred and Sixty-four; and for enlarging the Time for lodging Appeals from the Decrees of such Courts therein mentioned.*

WHEREAS Doubts may arise respecting the Manner by which Appeals by the said Ordinance is directed to be brought before His Excellency the Governor and Council of this Province, or to the King in Council, may be prosecuted according to the true Intent and Meaning of the said Ordinance, and also as to what Sum, and to whom the Security therein mentioned, for prosecuting such Appeals, ought to be given; for explaining whereof,

His Excellency the Governor, by and with the Advice, Consent and Assistance of His Majesty's Council of this Province, *Doth hereby Ordain and Declare, That if any Person or Persons shall think himself or themselves aggrieved by any Order, Judgment, or Decree of the Military Council of Quebec, or of any other Courts of Justice in the said Government, or of those of Montreal or Trois-Rivieres, prior to the Establishment of Civil Government throughout this Province in August last, where the Value in Dispute exceeded the Sum of Three Hundred Pounds Sterling; every such Person or Persons may by Petition appeal to His Excellency the Governor and Council, and to no other Court of Judicature of this Province whatsoever; provided that Security be first given by the Appellant to answer such Charges as shall be awarded, in Case the first Sentence be affirmed. Provided also, That such appeal be lodged with the Clerk, or Deputy-Clerk of the Council, within the Space of three Months from the publishing hereof. And provided always, That if the Matter in Dispute amounted to the Sum of Five Hundred Pounds Sterling, or upwards, every Appellant or Person petitioning as aforesaid (in Case any such Order, Judgment, or Decree of the said Military Courts shall thereupon be affirmed, and within fourteen Days thereafter) may in like Manner appeal to His Majesty in Council, upon giving good and sufficient Security, effectually to prosecute the same, and answer the Condemnation, as also to pay such Costs and Damages as shall be awarded, in Case the Sentence of the Governor, or Commander in Chief for the Time being, and Council be affirmed.*



## SESSIONAL PAPER No. 29b

*GIVEN by His Excellency the Honorable JAMES MURRAY, Esq; Captain-General and Governor in Chief of the Province of QUEBEC, and Territories thereon depending in America, Vice Admiral of the same, Governor of the Town of Quebec, Colonel-Commandant of the Second Battalion of the Royal American Regiment, &c. &c. In Council at Quebec, the 12th Day of November, Anno, Domini, 1764, and in the Fifth Year of the Reign of our Sovereign Lord GEORGE the III. by the Grace of God, of Great-Britain, France and Ireland, KING, Defender of the Faith, &c. &c.*

JA: MURRAY.

By Order of His Excellency in Council,

H: KNELLER, D: G: G:

AN ORDINANCE, *For preventing Persons leaving the Province without a Pass.*

WHEREAS Injustice may be done to Creditors by Persons in their Debt privately leaving the Province; and great Inconveniences may likewise arise, from Soldiers and Seamen of the Royal Navy being secretly conveyed away: For preventing thereof, his Excellency the Governor, by and with the Advice, Consent and Assistance of His Majesty's Council, *Doth hereby Ordain and Declare*, That all and every Person or Persons intending to leave this Province, shall put up their Names publicly at the Secretary's Office for the Space of thirty Days before they shall obtain any Pass, with the Day and Year when they put up their Names: And in Case said Person or Persons are not, within said thirty Days, underwrote, by any others to whom they are indebted, then and in such Case, the Secretary, or his Deputy, are hereby required to grant said Person a Pass, for which he shall receive *One Shilling and Two-pence* lawful Money only. And in Case said Secretary, or his Deputy, shall refuse a Pass to any Person or Persons that have complied with the Rules prescribed by this Ordinance, he or they shall forfeit the Sum of *Fifty Pounds*, to be levied by Bill, Complaint, or Information, in any of His Majesty's Courts of Record in this Province, and for the Use of the Person grieved: And that the Pass for Persons leaving this Province, shall be in the following Words:

*Province of* ) PERMIT ——— to depart this Province; if by Land, the Road to be  
                   ) QUEBEC, { expressed in such Pass, and if by Sea, the Master's Name, and with  
 that of the Vessel, he or they having complied with an Ordinance of this Province for  
 that Purpose.

Dated

*And it is further Ordained*, That whosoever shall underwrite any Person or Persons, so having their Names set up as aforesaid, shall produce at the Secretary's Office an Affidavit made before one of His Majesty's Justices of the Peace, which Affidavit shall remain in the said Office, setting forth the Cause in Writing; if a Debt, the Sum or Sums of Money that is due, or owing to him or them, to be ascertained as near as they possibly can, and by what Means it doth arrive, whether by Bill, Bond, Judgment, Promise, Covenant or Account: and when any Person, so setting up their Names in the Secretary's Office as aforesaid, shall be underwrote by any Person aforesaid, that then, and in such Case, the Secretary, or his Deputy, shall take good and sufficient Security from the Person or Persons so underwritten, for the Sum or Sums that he or she is underwrote for, which Security shall be in the following Words.

*KNOW all Men by these Presents, That We ——— and ——— of ——— in the Province of Quebec, are firmly bound unto ——— in the Sum of ——— To the true Payment of which we bind Ourselves, our Heirs and Assigns, firmly by these Presents. Witness our Hands and Seals, this ——— Day of ———*



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THE Condition of the above Obligation is such, That whereas the above bound ——— is underwrote by ——— of ——— aforesaid, for the Sum of ——— Now if the said ——— or ——— they, their Heirs or Assigns, will pay, or cause to be paid to the said ——— the said Sum of ——— or such Sum as shall legally, upon Tryal, appear to be due to the said ——— then the above Obligation to be void, otherwise to remain in full Force and Virtue.

For taking of such Bond the Secretary shall receive *Three Shillings* only.

*Provided always, and it is the full Intent and Meaning of this Ordinance,* That the Persons so underwriting, file their Actions in the next Supreme or Inferior Court of Common-Pleas, after Security be given, for their Debts then due, otherwise, the same being pleaded, shall be a sufficient Bar to their Action or Actions.

*And it is hereby further Ordained,* That any Person or Persons that have been underwrote as aforesaid, upon their giving Security as before directed, are hereby entitled to receive their Pass, in like Manner as if they had not been underwrote.

And the Secretary, or his Deputy, are hereby impowered to deliver the said Bond, so taken as aforesaid, to the Person or Persons that underwrote the Person so going away; and said Bond shall be good and valid against the Security for the Recovery of such Sum or Sums, as the Person or Persons, to whom the said Bond is delivered, can make appear upon Tryal, was really due to him by the Person he underwrote, with the Costs thereon.

And that in Case any Person intending to leave the Province before the thirty Days are expired, after setting up his or her Name, may obtain their Pass from the Secretary or his Deputy, by giving sufficient security, and entering into Bond as aforesaid, that said Security will pay all the Debts said Person going away has contracted in the Province, which Bond shall be good and valid against such Security.

And that nothing in this Ordinance shall be construed to extend to the restraining any Military Person or Persons from immediately departing the Province, with a special Permission under the Hand of the Commander in Chief of the Troops.

*And it is also further Ordained and Declared, by the Authority aforesaid,* That if upon Tryal it shall appear, that the Cause for underwriting any Person or Persons, setting up their Names in the Secretary's-Office, to depart this Province, be vexatious and groundless, that then and in such Case, the Person so underwriting, shall be liable to an Action of Damages to be recovered as aforesaid.

And that no Master of any Ship or Vessel, going from the Province of *Quebec*, shall carry away any Person whatsoever, without a Pass signed by the Secretary of this Province or his Deputy (except the Crew or Seamen brought with him in such Vessel at his last Arrival) nor shall leave the said Province without Permission in Writing from His Excellency the Governor, or Commander in Chief for the Time being of His Majesty's Province; and the Master of any Ship or Vessel so offending, contrary to the Tenor of this Ordinance, shall forfeit the Sum of *Fifty Pounds*, to the Use of the King, and be liable to pay all Damages, to be recovered by Bill, Plaint or Information, in any of His Majesty's Courts of Record in this Province, to be levied by Sale of the Offender's Goods and Chattels, by Warrant under the Seal of said Court; and for want of such Goods and Chattels, the Person convicted to be committed to one of His Majesty's Goals for the Space of Six Months.

*And it is hereby further Ordained and Declared,* That all Officers, Civil and Military, commanding at, or residing near the different Posts upon the Frontiers of this Province, are strictly enjoined to examine every Person and Persons leaving the same, and to stop all or any of such who shall not be provided with a Pass as aforesaid.

*GIVEN by His Excellency the Honorable JAMES MURRAY, Esq; Captain-General and Governor in Chief of the Province of QUEBEC, and Territories thereon depending in America, Vice Admiral of the same, Governor of the Town of Quebec, Colonel-Commandant of the Second Battalion of the Royal*



SESSIONAL PAPER No. 29b

*American Regiment, &c. &c. In Council, at Quebec, the 6th Day of November, Anno, Domini, 1764, and in the Fifth Year of the Reign of our Sovereign Lord GEORGE the III. by the Grace of GOD, of Great-Britain, France and Ireland, KING, Defender of the Faith, &c. &c.*

JA: MURRAY.

By Order of His EXCELLENCY in Council,

H: KNELLER, D: G: G:

An ORDINANCE, *For registering Grants, Conveyances, and other Instruments in Writing, of or concerning any Lands, Tenements or Hereditaments within this Province.*

WHEREAS His Most Sacred Majesty, by his Royal Instructions to His Excellency the Governor of this Province, bearing Date at *St. James's* the Seventh Day of *December*, One Thousand Seven Hundred and Sixty-three, has been pleased (amongst other Things) to order and direct, That all original Grants, Brevits, Concessions, or other original Title Deeds, made and passed by the *French* Government of this Province, before the signing the Preliminary Articles of Peace, on the third Day of *November*, One Thousand Seven Hundred and Sixty-two, by which any Person or Persons whatsoever hold, or claim, or pretend to hold or claim any Lands, Tenements, or Hereditaments, shall be registered in the proper Office: In Obedience to which, His said Excellency the Governor, by and with the Advice and Consent of His Majesty's Council, hath ordained and required, and by the Advice and Consent aforesaid, *Doth hereby Ordain and Require*, That all and every Person or Persons whatsoever, as well corporate as incorporate, or by whatsoever other Name or Names they are, or may be called or distinguished, by holding, claiming or deriving, or pretending to hold, claim, or derive any Estate, Right, Title or Interest of, in, or to any Lands, Tenements, or Hereditaments in this Province, by Virtue of, or under any Grants, Brevits, Concessions, or other Title Deeds whatsoever, made and passed by the *French* Government before the said third Day of *November*, One Thousand Seven Hundred and Sixty-two, shall, on or before the Twenty-fourth Day of *June* next, produce to, and leave with the Register, or Deputy-Register, of the Office of Inrollments of this Province, all and every such original Grants, Brevits, Concessions, or other Title Deeds, together with every Plott or Survey of the Boundaries thereof; which the said Register, or his Deputy, is hereby required to receive, and forthwith fairly register the same in Words at full Length, in a Book to be kept for that purpose; and every such Grant, Brevit, Concession, or other Title Deeds, together with such Plott as aforesaid, shall be registered in the original Language of such Deed, Grant, Brevit, Concession, or other Conveyance, to the Intent that the particular Quantity of Land, its Size and Extent, and the Conditions upon which it was granted, either as to Rent, Services or Cultivation, may appear fully and at large.

*And it is hereby Ordained and Required, by the Authority aforesaid*, That all Mesne, or subsequent Deeds or Conveyances of what Nature soever, of or concerning any Lands, Tenements or Hereditaments in this Province, made and passed since the said third Day of *November*, One Thousand Seven Hundred and Sixty-two, shall, on or before the said Twenty-fourth Day of *June* next, be produced to, and left with the said Register, or Deputy-Register, by the Possessor thereof, in Order to their being registered, and shall accordingly be registered in the said Office, in such Manner as is herein before directed and required for the registering of Grants, Brevits, Concessions, or other original Title Deeds.

*And be it further Ordained and Required, by the Authority aforesaid*, That the due Execution of every such Deed or Conveyance of what Nature soever, which shall hereafter be made, of or concerning any Lands, Tenements or Hereditaments within



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this Province, shall be proved before the said Register or Deputy-Register, or other Person qualified for that Purpose, either by personal Acknowledgment of the Grantor, Vendor, or Mortgagor in such Deed or Conveyance respectively named, or by the Oath of one or more of the subscribing Witnesses to the same, which Acknowledgment, or Proof of the due Execution of such Deed or Conveyance, shall be indorsed on the Back thereof, and signed by the said Register or his Deputy, or other Person thereto authorized as aforesaid, which Indorsement shall be allowed as Evidence of the due Execution of any Deed or Conveyance, in any of His Majesty's Courts of Record in this Province: And every Deed or Conveyance, of or concerning any Lands, Tenements or Hereditaments in this Province, shall, within the Space of forty Days next after the respective Dates thereof, be registered in the said Office in Words at Length: And for Want of such Registry, every such Deed or Conveyance shall be adjudged fraudulent against any subsequent Purchaser for a valuable Consideration.

*And be it further Ordained and Declared, by the Authority aforesaid, That every Deed and Conveyance hereafter to be made and registered as aforesaid, shall be certified on the Back thereof by the Register, or Deputy-Register, and signed by him, containing the Year, Month, Day of the Month, and Hour of the Day when such Deeds or Conveyances were respectively registered, which Certificate shall be admitted and allowed of as Evidence of the Registry thereof in any Court of Record in this Province, and every Page of such Registry-Book shall be numbered, and the Year, Month, Day of the Month, and Hour of the Day when such Deed or Conveyance was registered, shall be entered in the Margin of the said Book; and the said Register, or his Deputy, shall keep a double Alphabet of every Registry, and shall duly register every Deed in the same Order they respectively come to his Hands.*

*GIVEN by His Excellency the Honorable JAMES MURRAY, Esq; Captain-General and Governor in Chief of the Province of QUEBEC, and Territories thereon depending in America, Vice-Admiral of the same, Governor of the Town of Quebec, Colonel-Commandant of the Second Battalion of the Royal American Regiment, &c. &c. In Council at Quebec, the 6th Day of November, Anno Domini, 1764, and in the Fifth Year of the Reign of our Sovereign Lord GEORGE the III. by the Grace of God, of Great-Britain, France and Ireland, KING, Defender of the Faith, &c. &c.*

JA: MURRAY.

By Order of His Excellency in Council,

H: KNELLER, D: G: G:

An ORDINANCE, *For ascertaining Damages on protested Bills of Exchange.*

HIS Excellency the Governor, by and with the Advice, Consent and Assistance of His Majesty's Council, Doth Ordain and Declare, *And be it hereby Ordained and Declared, by the Authority aforesaid, That from and after the tenth Day of August, One Thousand Seven Hundred and Sixty-four, all Bills of Exchange, drawn from and after the said Time, by Persons residing within this Province upon Persons in Europe, that may be sent back protested, shall be subject to Twelve per Cent Damages, and Six per cent per Annum Interest upon the principal Sum furnished here, from the Day of the Date of the Protest on said Bill, to the Time of Payment.*

And that all Bills of Exchange, drawn by Persons residing within this Province after the said Time, on Persons in the other Colonies, and sent back protested, shall be subject to Four per Cent. Damages, and Six per Cent. per Annum Interest upon the principal Sum furnished here, from the Day of the Date of the Protest, to the Time of Payment.



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And that all Bills and Orders, drawn from and after the said Tenth Day of *August*, by Persons residing within the Province, on Persons residing or living in the same, that shall be protested, shall be subject to Six per Cent. *per Annum* Interest from the Date of the Protest, to the Time of Payment.

*GIVEN by His Excellency the Honorable JAMES MURRAY, Esq; Captain-General and Governor in Chief of the Province of QUEBEC, and Territories thereon depending in America, Vice-Admiral of the same, Governor of the Town of Quebec, Colonel-Commandant of the Second Battalion of the Royal American Regiment, &c. &c. In Council at Quebec, the 10th Day of November, Anno Domini, 1764, and in the Fifth Year of the Reign of our Sovereign Lord GEORGE the III. by the Grace of God, of Great-Britain, France and Ireland, KING, Defender of the Faith, &c. &c.*

JA: MURRAY.

By Order of His EXCELLENCY in Council,

H: KNELLER, D: G: G:

An ORDINANCE, *To prevent Forestalling the Market, and Frauds by Butchers, &c.*

WHEREAS Quantities of live Stock, fresh Provisions and other Articles, are daily brought from the Country by Land and Water into the Towns of *Quebec, Montreal and Trois-Rivieres*; and divers Butchers and other Persons make a Practice of engrossing the same immediately upon the Arrival thereof, to the great Prejudice of the Inhabitants:

His Excellency the Governor, by and with the Advice, Consent and Assistance of His Majesty's Council, and by Virtue of the Power and Authority to him given by His Majesty's Letters Patent under the Great Seal of *Great-Britain*, Hath Ordained and Declared, and by and with the Advice, Consent and Assistance aforesaid, *Doth hereby Ordain and Declare*, That all Kinds of live Stock (Oxen and Sheep excepted) all dead fresh Provisions, Grain, Hay, Roots or Garden Stuff, which shall be brought to the said Towns of *Quebec, Montreal and Trois-Rivieres*, after the Publication hereof, shall by the Proprietors thereof be brought to the publick Market-place, and there openly exposed to Sale, at or after the Hour of Six of the Clock in the Forenoon, but not before that Hour from the First of *May* to the First of *October*, and at Eight of the Clock, and not before, from the First of *October* to the First of *May*: And no such live Stock, or dead fresh Provisions whatsoever, Grain, Hay, Roots or Garden Stuff shall (during the Space of Three Hours in the Winter, and Four Hours in the Summer Season, after being so exposed to Sale in the Market-place) be sold or contracted for in Gross, or to or with any Person or Persons whatsoever, more than is reasonably necessary for the Use of his or their Families, on Penalty of the Forfeiture of the Article or Articles so sold, bought or contracted for, or the Value thereof, upon Conviction by the Oath of One credible Witness, before any Two of His Majesty's Justices of the Peace, to be levied by Warrant of Distress under the Hands and Seals of the said Justices, One Half of which Forfeitures to be to the Use of the Informer, and the other Half to the Use of the Poor of the Place where such Forfeitures shall be incurred.

*And be it Ordained by the Authority aforesaid*, That for the better Encouragement of the Inhabitants on the South Shore, or other more distant Parts of the Province, who may bring to the Towns of *Quebec, Montreal and Trois-Rivieres*, during the Season for Navigation, Grain, Hay, live or dead fresh Provisions in Sloops, Schooners, or other small Craft, for whom it may be inconvenient to land the same, that they shall have Liberty to dispose of the said Commodities on board their respective Vessels, provided they give immediate Notice thereof by beat of Drum or ringing of Bell throughout the Town of their Arrival, specifying the Nature of the Commodi-



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ties to be sold, and that they do not bring to sell for One Hour after their Arrival, or until the said Publication has been made throughout the Town, under a Penalty of *Forty Shillings* for the Person offending against the true Meaning and Intent hereof. Any Person buying or offering to buy a small Quantity, always having the Preference of him that offers to buy a Cargo; and such Vessel or Vessels shall not be liable to or be chargeable with any Port Charges whatsoever, or Custom-House Fee; the Officers of the Custom-House having a Right nevertheless to search the same.

And that all Prosecutions under this Ordinance, shall be within Ten Days after the Offence is committed.

And His said Excellency, by and with the Advice, Consent and Assistance aforesaid, *Doth hereby further Ordain and Declare*, That every Butcher and other Person who shall kill or slaughter any Ox, Cow, Sheep, Swine, Calf, Lamb, or other Cattle for Sale, shall slaughter and flea the same in the most clean and plain Manner, and shall not on any pretence, raise or blow, or use any fraudulent or deceitful Art to set off the same; and no Butcher or other Person shall sell, or expose to Sale any Cattle killed, but what shall be killed and dressed in the most plain Manner, and according to the Meaning of this Ordinance: And if any Butcher, or other Person, shall offend in any of the Premises, and be convicted in the said Offence, before One Justice of the Peace of any District, by One Witness, or Confession of the Offender, or on View by such Justice, he shall forfeit such Ox, Cow, Sheep, Swine, Calf, Lamb, or other Cattle, or Part thereof, killed or dressed contrary to this Ordinance, to be disposed of by such Justice among the Poor of the Town where such Offence shall be committed, or among the Prisoners, and shall further forfeit the Sum of *Five Shillings*, to and for the Use of the Informer, to be levied by Warrant of Distress under the Hand and Seal of such Justice.

*And it is further Ordained, by the Authority aforesaid*, That no Butcher, or other Person, shall sell, or expose to Sale any tainted Flesh or Fish unfit for Sale under the like Forfeiture and Penalty, to be prosecuted and recovered, and to be disposed of in Manner aforesaid, unless the said tainted Flesh or Fish be wholly unfit for Food, in which Case the Justice, before whom such Conviction shall be had, shall cause such tainted Flesh or Fish to be burnt, or otherwise destroyed.

And that the Clerks of the Markets shall, and are hereby impowered, *ex officio*, to seize and take all such Flesh blown, or fraudulently, or deceitfully set off, or Fish tainted, or unfit for Sale, and to proceed against, and convict such Offenders in Manner aforesaid, and the Fines arising therefrom shall be to and for their own Use.

*GIVEN by His Excellency the Honorable JAMES MURRAY, Esq; Captain-General and Governor in Chief of the Province of QUEBEC, and Territories, thereon depending in America, Vice-Admiral of the same, Governor of the Town of Quebec, Colonel-Commandant of the Second Battalion of the Royal American Regiment, &c. &c. In Council, at Quebec, the 3d Day of November, Anno Domini, 1764, and in the Fifth Year of the Reign of our Sovereign Lord GEORGE the III. by the Grace of God, of Great-Britain, France and Ireland, KING, Defender of the Faith, &c. &c.*

JA: MURRAY.

By Order of His Excellency in Council,

H: KNELLER, D: G: G:

An ORDINANCE, *To prevent Rum and other strong Liquors being sold to the Indians.*

WHEREAS many Disorders have happened, and may happen, from Rum, Brandy, Wine, Beer, and other strong Liquors, being sold to the Indians; His Excellency the Governor, by and with the Advice, Consent and Assistance of His Majesty's



## SESSIONAL PAPER No. 29b

Council, Doth Declare and Ordain, *And it is hereby Declared and Ordained, by the Authority aforesaid*, That from and after the Publication hereof, any Person or Persons whatsoever, inhabiting or trading into this Province, who shall carry any strong Liquors whatsoever to any Indian Village, or shall vend or dispose of the same to any Indian or Indians whatsoever, such Person or Persons shall forfeit for every such Offence, the Sum of *Twenty Pounds*, current Money of this Province, one Half whereof shall be for the Use of His Majesty's Government, the other Half to him, her, or them who shall inform, to be recovered by Distress and Sale of the Goods of the Offender or Offenders, on the Oath of one credible Witness, before any one of His Majesty's Justices of the Peace for the said Province.

*Provided always, and it is hereby Declared and Ordained, by the Authority aforesaid*, That it shall and may be lawful for any Person or Persons (having Licence to retail Liquors), to sell or vend to any Indian or Indians, any Quantity of Rum, or other spirituous Liquors, not exceeding half a Pint in one Day for every such Indian, on his, her, or their producing a Permit for that Purpose, signed by the Curate or Priest of the Parish where he, she, or they respectively reside, or more than an equal Proportion of other strong Liquors, as shall be particularly expressed in the said Permit.

*GIVEN by His Excellency the Honorable JAMES MURRAY, Esq; Captain-General and Governor in Chief of the Province of QUEBEC, and Territories, thereon depending in America, Vice-Admiral of the same, Governor of the Town of Quebec, Colonel-Commandant of the Second Battalion of the Royal American Regiment, &c. &c. In Council, at Quebec, the 10th Day of November, Anno Domini, 1764, and in the Fifth Year of the Reign of our Sovereign Lord GEORGE the III. by the Grace of God, of Great-Britain, France and Ireland, KING, Defender of the Faith, &c. &c.*

JA: MURRAY.

By Order of His EXCELLENCY in Council,

H: KNELLER, D: G: G:

AN ORDINANCE, *To prevent disorderly riding Horses, and driving Carts, Trucks, Sleds, Slays, or any other Carriage whatsoever, within the Towns of this Province, and for regulating the Rates of Horses and Carriages, for Travellers within said Province.*

IN Order to prevent Inconveniencies and Mischiefs which might arise from the negligent and disorderly riding Horses, and driving Carts, Trucks and Sleds, for Carriage of Burthen, or any other Carriage whatsoever within the Towns or Suburbs of *Quebec, Montreal and Trois-Rivieres*; His Excellency the Governor, by and with the Advice, Consent and Assistance of His Majesty's Council, and by Virtue of the Power and Authority to him given, by His Majesty's Letters Patent under the Great Seal of *Great-Britain*, Hath thought fit to Ordain and Declare, That from and after the Publication hereof, no Person or Persons shall, on any Pretence whatsoever, gallop or ride at full Speed on Horseback, or having the Charge of drawing any Horse or Horses in any Cart, Truck or Sled, shall ride upon such Horse or Horses, or remain placed in or upon any Part of such Cart, Truck or Sled, within any of the Streets or High-ways of the said Towns; and that no such Driver or Drivers shall omit, during such Time, to lead the Shaft or Thill-horse by an Halter, not exceeding four Feet in Length, or shall drive any such Horse or Horses faster than a Footpace, upon Penalty of *Ten Shillings* for every such Offence, to be paid upon Conviction by the Testimony of one credible Witness, before any one of His Majesty's Justices of the Peace, within Twenty-four Hours after such Offence shall be committed: And in



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Case of any such Offenders Refusal to pay the same, said Offender shall be put to hard labour for the Space of Four Days, in repairing the High-ways, under the Direction of the Surveyor or Surveyors of the High-ways, or any of them: And in Case of Refusal or Neglect to perform such Labour, any Justice of the Peace is hereby authorized, upon Complaint of the said Surveyor or Surveyors, or any of them, to cause such Offender to be committed to Prison until proceeded against before the Two Sitting Justices of the Peace for the Time being.

And that every Owner or Proprietor of any Sled or Slay, used either for the Carriage of Goods or Persons, shall cause at least Six Horse Bells to be affixed to the Horse Harness, or the said Sled or Slay, and shall not drive the same, or any other Carriage whatsoever, in a disorderly Manner, upon Penalty of *Twenty Shillings* for every such Omission or Offence, upon Conviction on the Oath of one credible Witness, before any one of His Majesty's Justices of the Peace, within Twenty-four Hours after such Offence shall be committed; and in Case of Refusal or Neglect to pay, the same to be levied on the Goods or Chattels of such Offender by Warrant of Distress and Sale, under the Hand and Seal of said Justice.

All Fines and Penalties, incurred by the aforesaid Offences, to be paid into the Hands of the Surveyors of the High-ways for the Time being, to be by them applied towards the repairing and mending of the same.

And to prevent Fraudes by the Drivers of Carts, Sleds, Slays or other Carriages employed by the Inhabitants, for transporting Goods and Effects from Place to Place in the said Towns, *It is hereby Ordained, by the Authority aforesaid*, That no Driver or Drivers shall presume to exercise the Trade or Occupation of a Carter, within the Towns or Suburbs of *Quebec, Montreal* or *Trois-Rivieres*, after the first Day of *December* next, without first obtaining from the two sitting Justices of the Peace for the Time being, an order to the Clerk of the Market to enregister him as a Carter, and a Certificate under his Hand, specifying the Number of his Cart or Carriage, and Time of his being registered as such, and said Number shall be painted on or affixed by a Ticket to his Cart or Carriage: And the said Clerk of the Market is hereby empowered, in Consequence of such Order, to grant such Certificate upon due Application, and to keep a Book, wherein he is to insert the Carter's Name, and Time of Entry, and the Number he is to carry on his Cart or Carriage, to the End that the Person or Persons injured may the more easily obtain Redress, for which Certificate, and Entry in said Register, he is only to take *One Shilling* for his Trouble.

And in Order to prevent Impositions by the Owners or Drivers of Trucks, Carts and other Carriages, also Passage Boats or Canoes, for transporting Goods, Wares and Merchandize in the Towns and Suburbs of *Quebec, Montreal* and *Trois-Rivieres*, or passing therewith in Boats or Canoes in the Neighbourhood of the said Towns, and for the better regulating the Fares and Rates of the same:

His Excellency hath thought fit, by and with the Advice, Consent and Assistance aforesaid, *To Ordain and Require*, That the Justices in their General-Sessions of the Peace, held for the respective Districts of *Quebec* and *Montreal*, shall twice in every Year, in the Month of *March* and in the Month of *September*, regulate the Fares and Rates for the Carriage of Wood, Barrels, Hogsheads and other Wares and Merchandize, in the Towns of *Quebec, Montreal* and *Trois-Rivieres*, and their Suburbs, or of passage Boats or Canoes, for transporting the same in the Neighbourhood of said Towns, Consideration being had to the Price of Hay, Provinder for Cattle, and Price of Day-labourers, and shall cause a Table of the several Rates agreed upon by them at their Session to be printed, and posted up in the most publick Places in and about the said Towns of *Quebec, Montreal* and *Trois-Rivieres*.

And if any Car-man, or Owner of any Trucks or Carts, or any other Carriage, shall ask, demand or receive from any Person, any other or greater Rates or Fares than is allowed and presented by the Table aforesaid, he or they shall forfeit and pay



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the Sum of *Twenty Shillings*, to be recovered on the Oath of the Prosecutor, before any one of His Majesty's Justices of the Peace for the District, and to be levied by Warrant of Distress; One Half to be paid to the Prosecutor, the other Half to be applied to and for the mending of the Streets of the Town where the Offence is committed.

*And be it further Ordained and Declared, by the Authority aforesaid, That from and after the Publication hereof, no Person or Persons keeping Horses or Carriages for the Accommodation of Travellers, shall exact or demand more than the Sum of Fourteen Pence per League for the Hire of any such Carriage, whether the same shall carry one or two Persons.*

*And shall not exact or demand more than the Sum of Six Pence per League for the Hire of any Saddle-Horse, to any Person or Persons whatever.*

*GIVEN by His Excellency the Honorable JAMES MURRAY, Esq; Captain-General and Governor in Chief of the Province of QUEBEC, and Territories thereon depending in America, Vice-Admiral of the same, Governor of the Town of Quebec, Colonel-Commandant of the Second Battalion of the Royal American Regiment, &c. &c. In Council, at Quebec, the 6th Day of November, Anno Domini, 1764, and the Fifth Year of the Reign of our Sovereign Lord GEORGE the III. by the Grace of God, of Great-Britain, France and Ireland, KING, Defender of the Faith, &c. &c.*

JA: MURRAY.

By Order of His Excellency in Council,

H: KNELLER, D: G: G:

An ORDINANCE, *To prevent the Goods and Effects of Persons absenting themselves from, or residing out of this Province, in the Possession of any Merchant, Factor, Agent, Attorney or Trustee, from being taken away, delivered up, transferred or removed, till the Debts due and owing by such Absentees or Persons residing out of this Province, to any Person or Persons residing within the same, be first paid, or secured to be paid, and for making the same liable to the Payment of all just and real Debts due to any Person or Persons in this Province; and also for making the Real and Personal Estates of any Merchant, or Person using the Trade of Merchandise, by Way of Bargaining, Exchanging, Rechanging, Bartry, Chevissance, or otherwise in Gross or by Retail, or seeking his Trade of living by buying and selling in this Province, liable to the Payment of their Debts, rateably and proportionably amongst their Creditors, notwithstanding private security given to any particular Person to the Contrary.*

BE it therefore Ordained and Declared, by His Excellency the Governor of this Province, by and with the Advice, Consent and Assistance of His Majesty's Council, and by the Authority of the same, *It is hereby Ordained and Declared, That all and every the Monies, Goods, Rights or Credits whatsoever, now, or hereafter in the Possession or Power of any Person or Persons in this Province, or Merchant, Factor, Agent or Attorney, in Trust, or for the Use of any Absentee or Absentees, or Persons residing out of this Province, and who have not Bona fide accounted for the same, are and shall be subject and liable in the Hands of such Merchant, Factor, Agent, Attorney or Trustee, for the Payment of all just and real Debts of any Creditor or Creditors in this Province of such Absentee or Person residing out of the same; and such Creditor or Creditors shall, and may take and use such Remedies for the Recovery thereof, or the Value thereof, as is herein after directed and prescribed: And if any such Merchant, Factor, Agent, Attorney or Trustee, from and after the Publication*



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of this Ordinance, shall by Collusion, sell, pay, deliver, transfer, change, alter or remove any Monies, Goods, Rights or Credits, in his or their Possession or Power, of or belonging to any Absentee or Absentees, or Person residing out of this Province, without paying, or securing to be paid in Manner as is herein after directed, all the just and real Debts of such Absentee or Persons residing out of this Province, due to any Person or Persons within the same, every such Sale, Payment, Delivery-up, Change, Transfer, Alteration or Removal, shall be adjudged, deemed and taken, and is hereby declared to be fraudulent as to such Creditor or Creditors, and every such Merchant, Factor, Agent, Attorney or Trustee so selling, paying, delivering up, transferring, changing, altering or removing such Monies, Goods, Rights or Credits, contrary to the true Intent and Meaning of this Ordinance, shall, notwithstanding the same, be, and are hereby declared to be subject and liable to repay the same, or the Value thereof, out of his, their or any of their own proper Goods, Chattels or Estate, and the Creditor or Creditors of such Absentee or Absentees or Person residing out of this Province, shall and may have and use such or the like Remedy for the Recovery thereof, or the Value thereof, as is herein after directed to be used against any Merchant, Factor, Agent, Attorney or Trustee, having Monies, Goods or Effects of any Absentee or Person residing out of this Province in his Hands or Possession, any Law, Usage, or Custom to the Contrary notwithstanding.

*And be it further Ordained and Declared, by the Authority aforesaid, That when and as often as Occasion shall require, it shall and may be lawful for any Creditor or Creditors in this Province, for any just and real Debts, due from any Absentee or Absentees, or Person residing out of the same, to bring an Action or suit against such Absentee or Person residing out of this Province, in Order to receive Satisfaction for the same, out of and from the Monies, Goods, Rights and Credits, or real Estate of any such Absentee or Person residing out of this Province, in the Hands, Possession or Power of any Merchant, Factor, Agent, Attorney or Trustee, for such Absentee or Person residing out of this Province: But before any Writ shall thereupon issue, the Plaintiff in such Action shall make and file an Affidavit in Writing, before any Judge of the Court before whom such Suit shall be brought, that the Defendant in such Suit is justly and really indebted to the Plaintiff in the Sum of £—— of the Currency of this Province for the Time being, which sum must exceed the Sum of *Ten Pounds* said Currency, setting forth how and by what Means such Debt accrued, and that he hath not received any Part thereof, and that the same, and every Part thereof, is justly due and owing to the Plaintiff; and the Plaintiff, in such Action, shall in like Manner, at the same Time, make and file an Affidavit in Writing, either that he knows, or hath good Reason to believe that there is of the Monies, Credits and Effects, or real Estate of such absent Defendant, in the Hands, Possession or Power of ——— to the Amount of *Ten Pounds* or upwards, like Currency, at the Time of making such Affidavit, remaining in the Hands of the said——— undisposed of, of the proper Monies, Credits and Effects of the said Defendant; upon the making and filing which Affidavits, a Writ or Process shall issue against the Defendant, and upon the Provost-Marshal's of this Province, or other Officer's, Return thereto a *Non est inventus* (or not to be found) the Plaintiff's Attorney shall, immediately after the Return of such Writ, file a Declaration against the Defendant or Defendants, leaving with the Attorney of such absent Defendant (if he hath left, or hath an Attorney) a Copy of such Declaration, or if he hath not left, or hath no Attorney, then the Plaintiff's Attorney, leaving a Copy of the said Declaration at the House where the said absent Defendant did last reside; but if the said absent Defendant never had any House or Place of Residence in this Province, then leaving a Copy of the said Declaration with the Person or Persons in whose Hands, Possession or Power, any Goods or Effects of such absent Defendant shall be sworn to be in, and if upon the Return of such Writ and filing an Affidavit of such Service of the said Declaration, the said Defendant or Defendants shall not then appear, Judgment*



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shall be entered by Default against him, and in Lieu of a Writ of Inquiry of Damages, the Plaintiff shall and may give such Evidence in Proof of his Debt, as he shall be able, to the Jury returned to serve at such Court, who shall thereupon be empaneled and sworn, and shall accordingly assess the Damages at the Bar.

*And be it further Ordained, by the Authority aforesaid,* That when any Writ shall issue against such absent Defendant or Defendants as aforesaid, the Plaintiff shall at the same Time sue out a Writ of Summons under the Seal of the said Court, directed to the Provost-Marshall of this Province, and returnable at the same Time that the Writ against such Defendant is returnable, to make known to the Person or Persons in whose Hands it shall appear, by the Oath of the Plaintiff, any Monies, Goods or Effects, or real Estate of such absent Defendant or Defendants, is, or are to be, and appear on the Return of such Writ of Summons before the Justice or Justices of the respective Court, out of which such Writ of Summons shall issue, then and there to discover and render a just and true Account, in Writing, upon Oath, to be filed with the Clerk or other Officer of such Court, two Days after the Return of such Writ of Summons, of all Monies, Goods or Effects, or real Estates, of or belonging to such absent Defendant or Defendants, in the Hands, Possession or Power of such Garnishee or Garnishees, or in Trust for him or them, or in Trust for such absent Defendant or Defendants, or show Cause to the Contrary, on which Day of Return of such Writ of Summons, and filing with the Clerk or proper Officer such just and true Account in Writing, upon Oath, as aforesaid, if the said Garnishee or Garnishees shall not appear, and discover upon Oath, and file such just and true Account, or show Cause to the Contrary as aforesaid, the respective Courts shall and may upon such Default give Judgment, and award Execution for such Debt, so as aforesaid found by the Jury against such absent Defendant or Defendants, with Costs, to be levied of the proper Goods, Chattels or Estate, of such Garnishee or Garnishees so making Default as aforesaid; but if any Garnishee or Garnishees shall appear at the Returns of such Writ of Summons, and shall then and there either admit by Confession or otherwise, that he hath sufficient of the Monies, Goods, Rights and Credits, or real Estate of such absent Defendant or Defendants in his Hands or Possession, to pay and satisfy the said Judgment, or shall then and there discover and render an honest, just and true Account, in Writing, upon Oath, of all Monies, Goods or Effects, and real Estate of or belonging to such absent Defendant or Defendants, and that he hath not thereof in his Hands, Possession or Power, beyond such a Value, to satisfy the said Judgment, and the Plaintiff shall be satisfied with such Account, or otherwise shall not be able to disapprove the same by giving Proof in Evidence to the Contrary, which the Plaintiff in such Suit shall at all Times be at Liberty to do, then Judgment shall be given for so much as is certified or sworn to by such Garnishee or Garnishees, and not otherwise disapproved by the Plaintiff as aforesaid, and Execution shall thereupon issue, without Costs to be levied of the Goods, Chattels, Rights, Credits and real Estate of the absent Defendant or Defendants, in the Hands, Possession or Power of such Garnishee or Garnishees, to be by him or them shewn to the Provost-Marshall of this Province, his Deputy or Deputies, or other Officer to whom such Writ of Execution shall be directed (which Writ of Execution shall be made returnable on the next Return-day from the Test or Time of issuing thereof) and for Want of Goods, Chattels, Rights, Credits and Estate as aforesaid, of such absent Defendant or Defendants, to be by such Garnishee or Garnishees shewn as aforesaid, and upon the Return of such Writ of Execution accordingly, the Plaintiff in such Suit shall and may take out another Writ of Execution, returnable as aforesaid, to levy the Value of the Judgment against such Garnishee or Garnishees as aforesaid, with Costs, of the proper Goods, Chattels and real Estate of such Garnishee or Garnishees, and for Want thereof the Provost-Marshall of this Province, or his Deputy or Deputies, or other Officer to whom such Writ of Execution shall be directed, shall take the Body or Bodies of such Garnishee



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or Garnishees, and commit to Prison, there to remain till the said Judgment, with Costs, be satisfied, or until such Garnishee or Garnishees be discharged by due Course and Order of Law.

*Provided*, That the Plaintiff, so prosecuting, do and shall give good and sufficient Security to His Majesty, in double the Value of the Judgment, before any Writ of Execution shall issue, before the Justice or Justices of each respective Court, to and for the Use of such absent Defendant or Defendants conditioned to make Restitution of the Goods, Chattels, Credits or real Estate of such absent Defendant or Defendants, or of such Garnishee or Garnishees as aforesaid, or the Value thereof, or such Part thereof as the absent Defendant or Defendants, so as aforesaid prosecuted, shall at any Time within one Year and a Day, to be computed from the Time of entering Judgment against such absent Defendant or Defendants, come in, either in Person or by Attorney, and appear to the said original Action, and shall move to have the Judgment, by Default as aforesaid, set aside, which the said Court is hereby required to do, and shall plead thereto an issuable Plea, and upon Trial shall make it appear, that the said Plaintiff, before the Commencement of the said Action, hath been, and is satisfied and paid the Debt in the said Judgment mentioned, or some Part thereof, which Judgment and Execution of the Goods, Chattels, Credits or real Estate of such absent Defendant or Defendants, in the Hands of such Garnishee or Garnishees as aforesaid, had and made, shall be sufficient and pleadable in Bar, by such Garnishee or Garnishees in any Action to be brought against him, by such absent Defendant or Defendants for the same.

And whereas, by an Act of Parliament made in *Great-Britain*, in the fifth Year of the Reign of his late Majesty King GEORGE the Second, it is, amongst other Things, Enacted, That, "The Houses, Lands, Negroes, and other real Estates "within any of His Majesty's Plantations belonging to any Person indebted shall "be liable to all just Debts and Demands, and shall be Assetts, in like Manner as "real Estates are by the Law of England, and liable to the Satisfaction of Debts "due by Bond, and shall be subject to the like Remedies, in any Court of Law or "Equity in the Plantations as personal Estates."

And whereas several of His Majesty's trading Subjects in this Province, herein before particularly mentioned and described, have lately been prevailed upon to give Bonds, or other Securities, and to sign Warrants of Attorney to confess Judgment thereon, to the great Impoverishment, Loss and Damage of their other fair and just Creditors: For Remedy whereof, and to prevent the like Evil for the Future, and to render the said Act of Parliament more effectual and beneficial for the Inhabitants of this Province, *Be it further Ordained and Declared, by the Authority aforesaid*, That all such Bonds and Warrants of Attorney, which may hereafter happen to be given, shall be deemed and taken to be fraudulent both in Law and Equity.

*And be it further Ordained and Declared, by the Authority aforesaid*, That where any of His Majesty's trading Subjects in this Province, herein also before particularly mentioned and described, are or shall be indebted to others, the real and personal Estate of such Debtor or Debtors, is, and shall, and is hereby declared to be subject and liable to the Payment of his or their Creditors, rateably and in Proportion to the Demands of such Creditor or Creditors, so as every one may have and take thereof, in such Parts and Shares as may be in Proportion to the respective just Debts and Demands of such Creditors, Bond, Warrant of Attorney, or other Securities whatever given to the Contrary hereof, in anywise notwithstanding.

*GIVEN by His Excellency the Honorable JAMES MURRAY, Esq; Captain-General and Governor in Chief of the Province of QUEBEC, and Territories thereon depending in America, Vice Admiral of the same, Governor of the Town of Quebec, Colonel-Commandant of the Second Battalion of the Royal American Regiment, &c. &c. In Council, at Quebec, the 9th Day of March,*



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Anno Domini, 1765, and in the Fifth Year of the Reign of our Sovereign Lord GEORGE the III. by the Grace of God, of Great-Britain, France and Ireland, KING, Defender of the Faith, &c. &c.

JA: MURRAY

By Order of His EXCELLENCY in Council,

H. KNELLER, D: G: G:

AN ORDINANCE, Directing that all Grand and Petty-Juries, hereafter to be summoned to serve at any Court of Record, Court of Assize and General Goal-Delivery in this Province, shall be summoned and returned from the Body of the Province at large, without Distinction or Regard to the Vicinage of any particular District within the same.

WHEREAS, at a Council held by His Excellency the Governor of this Province, at the City of *Montreal*, on the Third Day of *January* last, it was, amongst other Things, Resolved, That it was not necessary to hold a Court of Assize in the City of *Montreal*, as the Court of King's-Bench, to be held in the Capital, would be sufficient to answer every Purpose. And whereas several Crimes and Offences have lately been committed in the City of *Montreal*, and the Offenders charged therewith, as well as most of the Witnesses to prove the same, are now residing and dwelling in the City of *Quebec*: And whereas several Persons stand bound by Recognizances to appear and answer, and others to appear and prosecute, and give Evidence against the several Persons so charged, at the next Court of Assize and General Goal-Delivery, to be held at the said City of *Montreal*: In Order therefore to avoid the great and unnecessary Expence to this Province, which must unavoidably happen, as well as the great Delay of Justice, by bringing Jurors from the District of *Montreal* to *Quebec*, for trying the said Offenders, or by removing the several Persons charged with the said Crimes, and the Witnesses to prove the same, from the City of *Quebec* to *Montreal* aforesaid, It has been Resolved by His Excellency the Governor in Council, That a Commission, for a Court of Assize and of Oyer and Terminer and General Goal-Delivery, do forthwith issue, directed to the Honorable *William Gregory*, Chief-Justice of this Province, for the hearing and determining, at the City of *Quebec* aforesaid, all Causes of *Nisi prius*, Treasons, Felonies, Crimes and Misdemeanours whatsoever, done or committed in this Province, as well out of Districts as within, and the Goals in the same Province, of the Prisoners therein being to deliver: In Order therefore to avoid any Doubt or Objection that may hereafter arise or be made, touching any proper Venue or Vicinage of Juries hereafter to be summoned and returned.

Be it Ordained by His Excellency the Governor of this Province, by and with the Advice, Consent and Assistance of His Majesty's Council, and by the Authority of the same, It is hereby Ordained and Declared, That all Precepts for the summoning and returning of Grand-Juries; and all Writs of *Venire facias*, hereafter to be issued out of any Court of Record in this Province, shall, for the future, in all Cases whatsoever, be for the summoning and returning of Juries from the Body of this Province at large, as well out of Districts as within; and all Juries, so summoned and returned, and who are otherwise by any Ordinance of His Excellency the Governor and Council of this Province declared to be qualified to serve on Juries, are hereby declared to be lawfully summoned and returned, and shall serve accordingly, one Law, Usage or Custom to the Contrary notwithstanding.

And be it further Ordained and Declared, by the Authority aforesaid, That all and every Person or Persons whatsoever, who now stand bound by Recognizance to appear and answer, or to appear and prosecute, or give Evidence, at the next Court of Assize, Oyer and Terminer and General Goal-Delivery, or Court of Oyer and Terminer and General Goal-Delivery, to be held at *Montreal*, or at the City of *Montreal*, shall,



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in any such Case, instead of appearing at the Court of General Goal-Delivery at *Montreal*, be, and are hereby respectively obliged to appear and answer, or to appear and prosecute, or give Evidence at the next Court of Assize and of Oyer and Terminer and General Goal-Delivery, to be held at the said City of *Quebec*, in and for the Province aforesaid, any Sentence, Clause, Matter or Thing in the Conditions of such Recognizances, or any of them contained to the Contrary, or seemingly to the Contrary thereof, in anywise notwithstanding; and all and every Person or Persons so bound, failing, neglecting or refusing to appear accordingly, at such Time and Place as is hereby directed, shall to all Intents and Purposes whatsoever incur a Forfeiture of such Recognizances respectively, and the Judge of the said Court of Assize and of Oyer and Terminer and General Goal-Delivery, so to be held at the said City of *Quebec* as aforesaid, shall and may estate the same accordingly, for His Majesty's Use.

*And be it further Ordained and Declared, by the Authority aforesaid, That the Publication of this Ordinance, shall be by Beat of Drum in the City of Quebec or Montreal, any other Ordinance to the Contrary notwithstanding.*

*GIVEN by His Excellency the Honorable JAMES MURRAY, Esq; Captain-General and Governor in Chief of the Province of QUEBEC, and Territories thereon depending in America, Vice Admiral of the same, Governor of the Town of Quebec, Colonel-Commandant of the Second Battalion of the Royal American Regiment, &c. &c. In Council, at Quebec, the 9th Day of March, Anno Domini, 1765, and in the Fifth Year of the Reign of our Sovereign Lord GEORGE the III. by the Grace of God, of Great-Britain, France and Ireland, KING, Defender of the Faith, &c. &c.*

JA: MURRAY.

By Order of His EXCELLENCY in Council,  
H. KNELLER, D: G: G:

*An ORDINANCE, For preventing Fisher-Men, or other Persons, from throwing over Board the Offals of Fish on the Fishing-Grounds, &c. in this Province.*

WHEREAS a Practice, for some Time, has been carried on by Fisher-Men and others, fishing on the Banks and other Places in this Province, of throwing the Offals of the Fish on the said Fishing-Banks and other Places, to the great Prejudice of the Fishery, carried on in Shallops and other Vessels by the Inhabitants of this Province, which, if not timely remedied, may not only prove the Ruin of many poor Families employed therein, but also highly prejudicial to the Trade of the Province in general.

For Remedy whereof, *Be it Ordained by His Excellency the Governor, by and with the Advice, Consent and Assistance of His Majesty's Council of this Province, and by the Authority of the same, It is hereby Ordained and Declared, That from and after the Publication of this Ordinance, if any Guts or Offals of Fish shall be thrown over Board out of any Schooner or other fishing Vessel on the fishing Banks or fishing Grounds, or into any of the Bays or Harbours, within the Distance of two Leagues off the Shores or Islands within this Province, where such Fishery is carried on, the Master, Skipper, or other Person, having the Charge of such Schooner, or other fishing Vessel as aforesaid, shall, upon Proof thereof as aforesaid, before any one of His Majesty's Justices of the Peace, on the Oath of one or more credible Witness or Witnesses, or on the View of such Justice, forfeit and pay the Sum of Five Pounds of current Money of the said Province, and upon the Refusal of such Master, Skipper, or other Person, having the Charge of such fishing Vessel, to pay the same, the said Justice shall immediately issue a Warrant under his Hand and Seal, directed*



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to any Constable for seizing so much of the Cargo of Fish or Salt of such fishing Vessel, or for Want thereof, then of so much of the Tackle, Furniture or Apparel of such Schooner or fishing Vessel, as shall be of, or nearly the Value of the said Sum of *Five Pounds* for the first Offence, and *Ten Pounds* for every other Offence, one Moiety whereof shall be to the Use of His Majesty, for the Support of His Government, and the other Moiety to the Informer.

*GIVEN by His Excellency the Honourable JAMES MURRAY, Esq; Captain-General and Governor in Chief of the Province of QUEBEC, and Territories thereon depending in America, Vice-Admiral of the same, Governor of the Town of Quebec, Colonel-Commandant of the Second Battalion of the Royal American Regiment, &c. &c. In Council, at Quebec the 1st Day of May, Anno Domini, 1764, and in the Fifth Year of the Reign of our Sovereign Lord GEORGE the III. by the Grace of God, of Great-Britain, France and Ireland, KING, Defender of the Faith, &c. &c.*

JA: MURRAY.

By Order of His Excellency in Council,

H: KNELLER, D: G:G:

An ORDINANCE, *In Addition to an Ordinance, published the fourth Day of October last, "For regulating and establishing the Currency of this Province."*

WHEREAS no Provision is made by the said Ordinance, for preventing Persons being affected thereby, to whom Sums of Money were due and owing by Book-debts, Agreements or Securities, for Money before the first Day of *January* last.

*Be it therefore Ordained and Declared, by His Excellency the Governor, by and with the Advice, Consent and Assistance of His Majesty's Council of this Province, and by the Authority of the same, It is hereby Ordained and Declared, That all Merchants Accounts, for Goods and Merchandises, or other Things whatsoever, sold and delivered, Agreements, Bills, Promisary Notes, Bonds, Mortgages, or other Securities for Money, Leases, and all Interest and Rents, thereby respectively referred and made payable, commencing, made, and entered into in this Province, before the said first Day of January last, shall respectively be paid, satisfied and discharged, in the Species and Denominations of Money, in the said Ordinance mentioned, as shall be in Value and Proportion to the Species or Denomination of Money of such respective outstanding Debts, Dues and Demands aforesaid, any Thing in the said Ordinance contained to the Contrary thereof in anywise notwithstanding.*

*And be it further Declared and Ordained, by the Authority aforesaid, That all original Entries in Books of Accompts, and all Accompts whatsoever, for Goods and Merchandises, or other Things, sold and delivered, Agreements, Bills (Bills of Exchange only excepted) Promisary Notes, Bonds, Mortgages, and other Securities for Money, Leases, and all Interest and Rents, thereby reserved, to be kept, made, and entered into in this Province, after the first Day of July next, shall be kept, made, and entered into, for and in the different Rates and Value of the Currency of this Province, established by the said Ordinance, and in no other Currency whatsoever: And all and every original Entries, Accounts, Agreements, Bills (Bills of Exchange only excepted as aforesaid) Promisary Notes, Bonds, Mortgages, and other Securities for Money, Leases, and all Interest and Rents thereby reserved, kept, made, and entered into, after the said first Day of July next, in any other Currency than the said Currency, by the said Ordinance established, contrary to the true Meaning hereof, and of the said Ordinance, shall not be admitted as Evidence in any Court of Law or Equity in this Province; but shall be deemed, adjudged, and taken, and are hereby respectively declared to be null and void, to all Intents and Purposes whatsoever.*



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*And be it further Ordained and Declared, by the Authority aforesaid, That Eighteen British Copper Half-pence, or Thirty-six British Copper Farthings, shall, after the said first Day of July next, be equal to One Shilling of the Currency by the said Ordinance established, and shall accordingly be received and taken in all Payments, any Thing in the said Ordinance contained to the Contrary thereof, in any-wise notwithstanding.*

*GIVEN by His Excellency the Honourable JAMES MURRAY, Esq; Captain-General and Governor in Chief of the Province of QUEBEC, and Territories thereon depending in America, Vice-Admiral of the same, Governor of the Town of Quebec, Colonel-Commandant of the Second Battalion of the Royal American Regiment, &c. &c. In Council, at Quebec, the 15th Day of May, Anno Domini, 1765, and in the Fifth Year of the Reign of our Sovereign Lord GEORGE the III. by the Grace of God, of Great-Britain, France and Ireland, KING, Defender of the Faith, &c. &c.*

JA: MURRAY.

By Order of His Excellency in Council,

H: KNELLER, D: G:G:

*An ORDINANCE, Relating to Soldiers and Seamen, and for preventing Desertion and Imprisonment of their Persons for Debt, or Pretence thereof, and for liberating Soldiers now in Prison for Debt.*

WHEREAS it is of great Hurt to His Majesty's Service, that Soldiers, quartered in this Province, should be arrested and restrained in Prison for Debt, or Pretence thereof; and moreover great Loss and Damage is frequently occasioned to Trade and Navigation, by Seamen deserting their Employ or Voyage they are entered upon, or being taken off from the same, by Arrest and Restraint of their Persons in Prison for Debt, or Pretence thereof; for preventing whereof,

*Be it Ordained and Declared, by His Excellency the Governor, by and with the Advice, Consent and Assistance of His Majesty's Council, and by the Authority of the same, It is hereby Ordained and Declared, That if any Inn-keeper, Victualler, Seller of Wine, or strong Liquors, Shop-keeper or any other Person whatsoever, shall trust, or give Credit to any Soldier quartered in this Province, or to any Marine, Mariner or Seaman, belonging to any of His Majesty's Ships or Vessels of War, or employed in his Service, or to any Mariner or Seaman, belonging to any Merchant Ship or other Vessel, without the Knowledge and Allowance of the Commanding Officer of the Regiment, or Captain of the Company to which such Soldier belongs, or without the Knowledge and Allowance of the Captain, Commander, or Master of such Ship or Vessel respectively: No Writ or Process whatsoever, for any Debt so contracted, without Knowledge and Allowance as aforesaid, shall be granted or issue against, or be served on such Soldier, Marine, Seaman or Mariner: And every Writ or Process, granted and served, contrary to this Ordinance, shall be deemed and adjudged, and is hereby declared to be null and void to all Intents and Purposes whatsoever.*

And if any Soldier, Marine, Mariner, or Seaman, shall be arrested contrary to this Ordinance, it shall be lawful for any one of His Majesty's Justices of the Peace, of the District where such Soldier, Marine, Mariner or Seaman shall be arrested, upon Complaint by the Party, or his Superior Officer, to examine into the same, by the Oath of the Parties or otherwise, and by Warrant under his Hand and Seal, directed to the Provost-Marshal of this Province, to discharge such Soldier, Mariner or Seaman, without Fee, upon Proof before him, that such Soldier, Marine, Mariner or Seaman was lifted, or engaged, and arrested contrary to this Ordinance, and also



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to award to the Party complaining, such Costs as he shall think reasonable, to be levied by Warrant under the Hand and Seal of such Justice.

*And be it further Ordained and Declared*, That if any Person shall buy, or receive as a Pledge, or Exchange, any Soldiers Cloaths, Arms or Accoutrements, or any Slop-cloaths from any Seaman or Marine belonging to any of His Majesty's Ships or Vessels of War, upon Conviction thereof, or Concession, or by the Oath of one credible Witness; or if such Cloaths, Arms or Accoutrements, shall be found in the Possession of any Person, upon Complaint that they were bought from, pledged or exchanged by such Soldier, Seaman or Marine, in such Case the Party offending shall pay a Fine of Five Pounds, Forty Shillings of which to the Informer, and Three Pounds to the Use of His Majesty's Government, and the Cloaths, Arms or Accoutrements shall be taken from such Person, and returned to such Soldier, Seaman or Marine, and he to be utterly debarred from recovering in any Action the Purchase or Loan of Money for the same: Any Person offending herein, may be convicted of such Offence before any one or more of His Majesty's Justice of the Peace, for the District where such Offence shall be committed, who are hereby required and empowered to levy the Penalty by Distress, and in Default of Distress, to commit the Offender to His Majesty's Goal, there to remain without Bail or Mainprize for the Space of *Two Months*, or 'til such Time as the Penalty shall be paid.

*Be it further Ordained and Declared*, That it shall and may be lawful for any Person, upon seeing or knowing any Soldier, or any Seaman or Marine, belonging to any of His Majesty's Ships or Vessels of War, selling or exposing to Sale any of his or their Cloathing, Arms, Accoutrements or Slops, to apprehend such Soldier, Seaman or Marine, and carry him or them immediately to some Justice of the Peace of the District, who is hereby empowered to commit such Soldier, Seaman or Marine, to His Majesty's Goal, and to deliver him or them over to the Commander of the Regiment, or Captain of the Company to which such Soldier belongs, or to the Captain or other Officer of the Ship or Vessel to which such Seaman or Marine may belong.

*And be it further Ordained and Declared, by the Authority aforesaid*, That if the Master or Commander of any Ship or Vessel (the Captains, Commanders or Masters of His Majesty's Ships or Vessels of War excepted) shall ship any Mariner or Seaman, knowing him to be first entertained and shipped aboard another Ship or Vessel, or after Notice thereof given such Master or Commander (except as aforesaid) shall not forthwith discharge and dismiss such Mariner or Seaman, every Master or Commander (except as aforesaid) so offending, being thereof convicted upon Oath before any one or more of His Majesty's Justices of the Peace of such District, shall forfeit and pay the Sum of Twenty Pounds, of current Money of this Province, at the Rate of Six Shillings each Dollar, one Moiety whereof to be to the Use of His Majesty's Government, and the other Moiety to him or them that shall inform for the same, to be levied and recovered by Warrant of Distress, under the Hand and Seal of such Justice, of the Offenders Goods and Chattels, and for Want thereof to commit such Offenders to Prison until Payment be made; and every Mariner or Seaman, so shipping himself, shall forfeit one Month's Wages, to be recovered, applied, and disposed of as aforesaid.

*And be it further Ordained and Declared, by the Authority aforesaid*, That if any Person shall entice any Mariner or Seaman, belonging to any of His Majesty's Ships or Vessels of War, or those employed in his Service, or any Mariner or Seaman, belonging to any Merchant Ship, or other Vessel, to desert, or harbour, conceal or assist any Deserter, from any of the Regiments quartered in this Province, or from any Ships or Vessel of War, or Merchants Ship as aforesaid, knowing him to be such, the Person so offending shall forfeit the sum of Twenty Pounds, of like current Money as aforesaid, on Conviction by one or more credible Witnesses, upon Oath before any one or more of His Majesty's Justices of the Peace, for the Use of His Majesty's Government, to be levied by Warrant of Distress, and for Want of such



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Distress, the Person so offending shall be committed to His Majesty's Goal, there to remain without Bail or Mainprize, for the Space of Four Months, or 'til such Time as the said Fine shall be paid.

*And be it further Ordained and Declared, by the Authority aforesaid, That if any Mariner or Seaman, having shipped himself on Board any Ship or other Vessel, to proceed on any Voyage, and under Pay (the same being made appear by his signing the shipping Articles, according to the Direction of an Act of Parliament in that Behalf made) shall refuse or neglect to give his Attendance, or to do his Duty on Board, or absent himself from the said Service, upon Complaint thereof to any Justice of the Peace, such Justice is hereby impowered and required to cause such Mariner or Seaman to be brought before him, and upon Conviction on Oath, of having absented himself, or Refusal or Neglect to do his Duty, to commit him to Prison, that so he may be secured, and forthcoming to proceed on the Voyage he has so agreed to, and to be delivered by Order of such, or any other Justice in the same District, to the Master or Commander of such Ship or Vessel. AND WHEREAS it hath been frequently published and made known to the Inhabitants of this Province, not to trust or give Credit to any Soldier in Garrison, notwithstanding which, several People have ventured to trust them, or have pretended so to do, by which Means and Pretences several Soldiers have been arrested, and are at this time detained in Prison, to the great Detriment of His Majesty's Service; for Remedy whereof,*

*Be it ordained and Declared, by the Authority aforesaid, That it shall and may be lawful for any Judge, or any one of His Majesty's Justices of the Peace of this Province, and they are hereby required, upon Complaint of any non-commissioned Officer or private Soldier (or his superior Officer) now in Prison for any Debt, or pretended Debt, by Warrant under his Hand and Seal, to cause such Soldier to be brought before him, and upon Sight of the Writ, Process, or Warrant of Detainer, or Copy thereof, by which such Soldier is kept in Prison, immediately to liberate and discharge him out of Custody, without Fee, and every such Soldier, so discharged, shall not afterwards be again arrested or imprisoned for the same Debt or Demand*

*GIVEN by His Excellency the Honourable JAMES MURRAY, Esq; Captain-General and Governor in Chief of the Province of QUEBEC, and Territories thereon depending in American Vice Admiral of the same, Governor of the Town of Quebec, Colonel-Commandant of the Second Battalion of the Royal American Regiment, &c. &c. In Council, at Quebec, the 31st Day of May, Anno Domini, 1765, and in the Fifth Year of the Reign of our Sovereign Lord GEORGE the III. by the Grace of GOD, of Great-Britain, France and Ireland, KING, Defender of the Faith, &c. &c.*

JA: MURRAY

By Order of His Excellency in Council,

H: KNELLER, D: G:G:

An ORDINANCE, *For adjourning Trinity-Term next ensuing, and every other succeeding Trinity-Term, and for hearing and determining certain Offences, at the Town of Three-Rivers, in this Province.*

WHEREAS, by an Ordinance of His Excellency the Governor and Council of this Province, made the Seventeenth Day of *September* last, it was, amongst other Things, Ordained and Declared, "That a Superior Court of Judicature, or Court of "King's-Bench, should be established in this Province, to sit and hold Terms in the "Town of Quebec, twice in every Year, viz. one to begin on the Twenty-first Day of "January, called *Hillary-Term*, the other on the Twenty-first Day of *June*, called "Trinity-Term." And whereas the Sitting of the said Court, and holding the said



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Term called *Trinity-Term*, on the Twenty-first Day of *June*, is on many Accounts likely to prove prejudicial to the Inhabitants of this Province.

*Be it therefore Ordained and Declared, by His Excellency the Governor, by and with the Advice, Consent and Assistance of His Majesty's Council, and by the Authority of the same, It is hereby Ordained and Declared, That the next sitting of the said Superior Court of Judicature, or Court of King's-Bench, and the said next term, called Trinity-Term, by the said Ordinance appointed to be held on the said Twenty-first Day of June, is and are, by Force of this Ordinance, adjourned until the first Day of August next, at the City of Quebec; and all Persons (except the Persons, and for the Causes in the Ordinance herein after mentioned) who have any Thing to do, at the said Court and Term, by the said Ordinance intended to be held, on the Twenty-first Day of this Instant June, shall, by Virtue hereof, have free Licence and Liberty to forbear their Attendance until the said first Day of August next, at the City of Quebec, and all such Persons (except the Persons hereafter mentioned) are hereby required to keep their Day on the said first Day of August next, at the City of Quebec aforesaid.*

*And it is also further Ordained and Declared, by the Authority aforesaid, That every succeeding Trinity-Term shall be held on the Fifteenth Day of July in every Year at the City of Quebec aforesaid.*

And whereas several Persons stand charged with having violently assaulted and maimed Mr. *Thomas Walker*, Merchant at *Montreal*, in the Night of the sixth Day of *December* last; and others are also charged with a Riot and Rescue at the same Place, on the Sixteenth Day of *January* last, and several Persons stand bound by Recognizances to appear and answer, and others to appear and prosecute, and give Evidence against the several Persons so charged, at the next Court of King's-Bench, to be held at *Quebec*: And for the quick Dispatch of Justice, it has been thought adviseable, That the said Offences should be inquired of, heard and determined at the Town of *Three-Rivers*, in this Province, on the first Day of *July* next, and for those Purposes only, It has been Resolved, by His Excellency the Governor in Council, That a Commission of Oyer and Terminer do forthwith issue, directed to the Honorable *William Gregory*, Esq; Chief-Justice of this Province, for the hearing and determining the said Offences only, at the said Town of *Three-Rivers*.

*Be it therefore further Ordained and Declared, by the Authority aforesaid, That all and every Person or Persons whatsoever, who now stand bound by Recognizance to appear and answer, or to appear and prosecute, or give Evidence in the said Assault and Maiming, Riot and Rescue, at the next Court of King's-Bench to be held at Quebec, shall, instead of appearing at the said next Court of King's-Bench at Quebec, be, and are hereby respectively obliged to appear and answer, or to appear and prosecute, or give Evidence, at the said Court of Oyer and Terminer, to be held at the Town of Three-Rivers, any Sentence, Clause, Matter or Thing in the Conditions of such Recognizances, or any of them contained to the Contrary, or seemingly to the Contrary thereof, in anywise notwithstanding. And all and every Person or Persons, so found failing, neglecting or refusing to appear accordingly, at such Time and Place, as is hereby directed, shall, to all Intents and Purposes whatsoever, incur a Forfeiture of such Recognizances respectively, and the Judge of the said Court of Oyer and Terminer, so to be held at the Town of Three-Rivers as aforesaid, shall and may estreat the same accordingly for His Majesty's Use.*

*GIVEN by His Excellency the Honorable JAMES MURRAY, Esq; Captain-General and Governor in Chief of the Province of QUEBEC, and Territories thereon depending in America, Vice-Admiral of the same, Governor of the Town of Quebec, Major-General of His Majesty's Forces, and Colonel-Commandant of the Second Battalion of the Royal American Regiment, &c. &c. In Council, at Québec, the 3d Day of June, Anno Domini, 1765, and in the*



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*Fifth Year of the Reign of our Sovereign Lord GEORGE the III. by the Grace of GOD, of Great-Britain, France and Ireland, KING, Defender of the Faith, &c. &c.*

JA: MURRAY.

By Order of His Excellency in Council,

H: KNELLER, D: G:G:

An ORDINANCE, *For regulating and establishing the Admeasurement of Fire-Wood, exposed to Sale in this Province.*

WHEREAS divers Frauds are frequently committed by the Sellers of Fire-Wood, in Rafts and otherwise, both as to the Quantity said to be contained in such Rafts, and also as to the Length of the Logs and Sticks therein contained, for Remedy whereof, *Be it Ordained and Declared, by His Excellency the Governor of this Province, by and with the Advice, Consent and Assistance of His Majesty's Council, and by the Authority of the same, It is hereby Ordained and Declared,* That every Cord of Fire-Wood, which, from and after the Fifteenth Day of June, One Thousand Seven Hundred and Sixty-six, shall be exposed to Sale, in Vessels, Rafts, Cages, or otherwise, in any of the Towns of this Province, shall be full Eight Feet Six Inches and two Thirds of an Inch long *English* Measure, and full Four Feet Three Inches and one Third of an Inch in Height like Measure, being equal to Eight Feet long, and Four Feet high *French* Measure, and that each Log or Stick shall be full Two Feet Eight Inches *English* Measure in Length between the Cuts, equal to Two Feet Six Inches *French* Measure, and every Cord of Fire-Wood contained in such Raft or Cage, shall be solid and well packed together.

*And be it further Ordained and Declared, by the Authority aforesaid,* That if any Person or Persons, from and after the said Fifteenth Day of June, contracting for the Purchase of any Parcel of Fire-Wood in Vessels, Rafts, or Cages, shall suspect, that the Parcel of Fire-Wood in any such Vessel, Raft, or Cage, does not contain the Number of Cords contracted for, or that the Logs and Sticks are not of the Length and Dimensions by this Ordinance directed, every Person so contracting and suspecting as aforesaid, shall, immediately after and before such Wood, or any Part thereof, shall be removed from the Place where exposed to Sale or contracted for, otherwise than for the necessary surveying and measuring thereof, cause the same to be surveyed or measured, by such Person or Persons as shall be appointed by His Majesty's Justices of the Peace of the Districts of *Quebec* or *Montreal*, who are hereby required to survey or measure the same accordingly; and if on such Survey or Measurement it shall be found, that either the Raft, Cage, or Parcel of Wood, do not contain the Number of Cords of Fire-Wood contracted for, or that the Logs and Sticks are not of the Length or Dimensions by this Ordinance directed, every such Raft, Cage, or Parcel of Wood shall be forfeited, one Moiety to the Poor of the Town where such Offence shall be committed, and the other Moiety to the Contractor, he paying thereout for the Surveying or Measuring thereof, whether the same be forfeited or not, at the Rate of *Two Pence* per Cord.

And whereas it frequently happens that the Sellers of Fire-Wood in Rafts or Cages, oblige the Buyers thereof, under various deceitful Pretences, to pay down the Price contracted for, and afterwards it is found that the Rafts, or Cages, do not contain the Quantity of Wood contracted for: For Remedy whereof, *Be it further Ordained and Declared, by the Authority aforesaid,* That where any Person, after the said fifteenth Day of June, shall contract and pay for any Quantity of Fire-wood, in Rafts or Cages, which either before or after removing thereof, by any fraudulent and deceitful packing or otherwise, shall be found either not to contain the Quantity of Wood contracted and paid for, or that the Logs or Sticks are not of the Length and Dimen-



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sions in this Ordinance directed, It shall and may be lawful, for any one of His Majesty's Justices of the Peace of the District where such Offence shall be committed, upon Complaint thereof upon Oath of the Person so defrauded, to issue his Warrant, for the apprehending and bringing before him, or any other of His Majesty's Justices of the Peace, such Offender or Offenders, and upon Conviction of such Offence, upon the Oath of two or more credible Witnesses, such Offender, for the first Offence, shall forfeit and pay, for the Use of His Majesty's Government of this Province, the Sum of *Twelve Shillings*, and shall be committed by such Justice to the common Prison, there to remain in close Confinement for the Space of Fifteen Days, and until the said Sum of *Twelve Shillings* be paid and Satisfied: And upon a second Conviction as aforesaid, the Offender shall forfeit and pay the Sum of *Twenty-four Shillings*, and suffer one Month's close Imprisonment.

*And Be it further Ordained and Declared, by the Authority aforesaid, That from and after the first Day of December next ensuing, all Fire-wood brought by Land, for Sale, to the Towns of Quebec, Montreal and Three-Rivers, in this Province, in Sleys, Carts, or other Carriages, shall be sold on the Parade in the Town of Quebec, near to the Castle of Saint Lewis, in the Upper-Town, and in the Area of the Lower-Town, and in such Places in the Towns of Montreal and Three-Rivers, as shall be appointed by His Majesty's Justices of the Peace in the respective Districts, on Pain of Forfeiture thereof, one Moiety to the Informer, and the other Moiety to the Poor of the Town where such Offence shall be committed.*

*GIVEN by His Excellency the Honorable JAMES MURRAY, Esq; Captain-General and Governor in Chief of the Province of QUEBEC, and Territories thereon depending in America, Vice Admiral of the same, Governor of the Town of Quebec, Major-General of His Majesty's Forces, and Colonel-Commandant of the Second Battalion of the Royal American Regiment, &c. &c. In Council, at Quebec, the 13th Day of November, Anno Domini, 1765, and in the Sixth Year of the Reign of our Sovereign Lord GEORGE the III. by the Grace of God, of Great-Britain, France and Ireland, KING, Defender of the Faith, &c. &c.*

JA: MURRAY.

By Order of His EXCELLENCY in Council,

JA. POTTS, D: G: G:

An ORDINANCE, *For the better and more regular providing Fire-wood for the Use of His Majesty's Forces in Garison in this Province, And for declaring that all Power and Authority of any Captain or other Officer of the Militia, established in this Province before the Conquest thereof, and afterwards continued until the Establishment of British Civil Government within the same, was thereby abolished and taken away.*

WHEREAS the Inhabitants dwelling in the Vicinage of, or near to His Majesty's military Garisons, Posts and Cantonments in this Province, from various illegal Combinations amongst themselves, refuse to supply the Forces in Garison there with Fire-wood at a reasonable Price, by Means whereof great Damage may arise to His Majesty's Service: For preventing whereof, *Be it Ordained and Declared by His Excellency the Governor, by and with the Advice, Consent and Assistance of His Majesty's Council of this Province, and by the Authority of the same, be it hereby Ordained and Declared, That as often as Fire-wood may be wanted for the Use of His Majesty's Forces in this Province, on a Representation thereof being made to His Excellency the Governor in Council, by the Barrack-Master for this Province, or by any of the Barrack-Masters of His Majesty's Garisons, in Writing, signed by such*



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Barrack-Master, specifying therein the Quantity of Fire-wood required, and for what Garison, Post or Cantonment the same is wanted; that thereupon his said Excellency the Governor will, in Council, issue his Warrant under his Hand and Seal, directed to any of the said Barrack-Masters, to apply to the Bailiff or Sub-Bailiff of the Parish or Parishes in the Vicinage of such Garison, Post or Cantonment, to make Provision for the Quotas of Fire-wood mentioned in such Warrant, to be provided by their respective Parishes, together with Carriages, Horses and Men to convey the same to such Garison, Post or Cantonment as is therein mentioned. And the Bailiffs or Sub-Bailiffs of the respective Parishes to whom such Application shall be made as aforesaid, shall, and they are hereby strictly charged and required to order and appoint such Person or Persons, in their respective Parish or Parishes, as they shall think proper, rateably and proportionably, to provide and convey the Quantity of Fire-wood mentioned in the said Warrant; and the Person or Persons so appointed shall, and are hereby strictly charged and required to provide and convey the same accordingly: And the Barrack-Masters applying for such Fire-wood, or to whom such Warrant may happen to be directed, shall, and is hereby required, on the Delivery thereof at the Garison, Post or Cantonment mentioned in the said Warrant, to pay down in Hand to the Owner or Owners, Driver or Drivers of the Cart or other Carriage, in which such Fire-wood shall be conveyed, for the Use of the Owner or Owners thereof, such Sum of Money for every Cord of Fire-wood, agreeable to the Price of Cord Wood to be regulated and established by His Majesty's Justices of the Peace at their next General Court of Quarter-Sessions of the Peace, to be held for the Districts of *Québec* and *Montréal* in this Province, and so yearly, and every Year, for the Future, at their *December* Quarter-Sessions, over and above the Sum of One Penny for each Cord to the Bailiff or Sub-Bailiff for the Service of such Warrant, for which Sums so received, the Person or Persons receiving, is and are hereby required to give a Receipt in Writing to the Person paying the same: Provided that the Justices of the Peace of the said Districts shall, in the mean Time, and as soon as conveniently may be, meet and regulate the Prices of Cord Wood, which Prices, so regulated, shall be the Price of Cord Wood to be paid by such Barrack-Master, until the Regulation thereof be made at the next Quarter-Sessions as aforesaid. *And be it further Ordained and Declared, by the Authority aforesaid, That if any Bailiff or Sub-Bailiff shall wilfully neglect or refuse, upon Application being made as aforesaid, by the said Barrack-Master to whom such Warrant shall be directed, to order and appoint such Person or Persons in their respective Parishes as they shall think proper, rateably and proportionately, to provide the Quantity of Fire-wood mentioned in the said Warrant to be provided by the Parish of such Bailiff or sub-Bailiff, with suitable Carriages, Horses and Men for conveying the same to the Garison, Post or Cantonment mentioned in the said Warrant; or if any Person or Persons, appointed by the Bailiff or Sub-Bailiff of the respective Parishes, to provide agreeable to this Ordinance, any Fire-wood with proper Carriages, Horses and Men for conveying the same as aforesaid, shall neglect or refuse to provide or convey the same, or any other Person or Persons whatsoever, shall wilfully do any Act or Thing whereby the Execution of the said Warrant shall be hindered or frustrated, every such Bailiff or Sub-Bailiff, or other Person or Persons so offending, shall, for every such Offence, forfeit any Sum not exceeding Twenty Pounds of current Money of this Province, nor less than Ten Pounds like Currency, towards defraying the contingent Charges of this Government; and all and every such Offence and Offences shall and may be enquired of, heard and fully determined, by Two of His Majesty's Justices of the Peace, dwelling in or nearest the Place where such Offence shall be committed, who have hereby Power to cause the said Penalty to be levied by Distress and Sale of the Offender or Offenders Goods and Chattels, tendering the Overplus (if any) to the Owner; and for Want of Goods and Chattels whereupon to levy the same, to commit the Offender or Offenders to the common Goal of the District where such Offence shall be committed, there to remain without Bail or Mainprise until Payment thereof be made.*



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And whereas several Captains of the Militia, formerly established in this Province, before the Conquest thereof, and afterwards continued until the Establishment of Civil Government within the same, pretend that their Commissions, and former Authority of Captains of Militia, still continue and are in Force, notwithstanding no Ordinance of his Excellency the Governor in Council has ever been made either for establishing or continuing them in Office: And whereas the keeping up a Militia in this Province at this Juncture is not necessary, *Be it therefore further Ordained and Declared, by the Authority aforesaid.* That on the Establishment of *British* Civil Government in this Province, the Militia before that Time established within the same was thereby abolished and taken away to all Intents and Purposes whatsoever; and all Power and Authority derived from thence, or which any Person or Persons whatsoever might claim, or pretend to claim, by Force or in Virtue of any Commission or other Authority therein, did thence forward cease, and was thereby annulled and taken away; and every Person or Persons whatsoever, acting or pretending to act, under any Commission or Authority therein, was, and were thereby, and by Means thereof, dismissed and discharged from the same accordingly.

*GIVEN by His Excellency the Honourable JAMES MURRAY, Esq; Captain-General and Governor in Chief of the Province of QUEBEC, and Territories thereon depending in America, Vice Admiral of the same, Governor of the Town of Quebec, Major-General of His Majesty's Forces, and Colonel-Commandant of the Second Battalion of the Royal American Regiment, &c. &c. In Council, at Quebec, the 27th Day of November, Anno Domini, 1765, and in the Sixth Year of the Reign of our Sovereign Lord GEORGE the III. by the Grace of GOD, of Great-Britain, France and Ireland, KING, Defender of the Faith, &c. &c.*

JA: MURRAY.

By Command of His EXCELLENCY in Council,

JA. POTTS, D: G: G:

An ORDINANCE, *For repairing and amending the High-Ways in this Province.*

WHEREAS the free and easy Intercourse and Means of conveying and carrying Goods and Merchandize from one Town or Parish to another, contributes very much to the Advancement of Trade, and raising the Value of Lands, as well as to the Ease and Conveniency of the Inhabitants of this Province; and whereas the Highways and Bridges in this Province, for want of due and timely Repairs and Amendments, are become in many Places almost impassable, and dangerous to Passengers and Carriages: And whereas, for the better and more effectual repairing the Highways and Bridges in this Province, it is highly necessary, in the mean Time, that a Surveyor, or Orderer of the Works, for the Amendment of the Highways and Bridges in the Districts of *Quebec* and *Montreal*, should as soon as conveniently, be appointed, who should have sufficient Authority, as well by Virtue hereof as of their respective Commissions, to Order and Direct the Persons and Carriages, that shall be appointed for those Works: *Be it therefore Ordained and Declared, by His Excellency the Governor, by and with the Advice, Consent and Assistance of His Majesty's Council of this Province, and by the Authority of the same, It is hereby Ordained and Declared,* That the Surveyor, or Surveyors of the Highways, that are, or hereafter may be appointed, for the Districts of *Quebec* and *Montreal* respectively in this Province, shall, from Time to Time, every six Months, during their being respectively Surveyors as aforesaid, take a View of all the Roads, common Highways, Causeways, Ferries, Watercourses, Bridges, Ditches, Hedges, Trees, Drains, or Gutters, next adjoining to the same,



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within the District or Division for which he is appointed a Surveyor, that are to be repaired by the Parish, Village or Precinct: And the Justices of the Peace, in their respective Districts, or Limits of their Commissions, are, for the Purposes in this Ordinance declared, hereby empowered once in two Months, or oftener, if they find it needful, to hold a Special-Session, and thereunto shall cause to be summoned the Surveyor of High-ways within that District to come before them, who shall make a Presentment to them in Writing, upon Oath (which Oath the said Justices are hereby empowered to administer) of the State and Condition of the High-ways in the District to which he belongs, and what Offences and Neglects any are guilty of contrary to this Ordinance; and in Default of making such Presentment, shall incur the Penalty of *Twenty Pounds*, unless he shall have some reasonable Excuse for omitting the same, to be allowed of by said Justices; and what Defaults or Annoyances such Surveyor shall find in any of the said High-ways, Cause-ways, Ferries, Water-courses, Bridges, Ditches, Hedges, Trees, Drains or Gutters, next adjoining to the same the said Justices, in their said Sessions, after due Consideration thereof had, shall give Orders, in Writing, to such Surveyor, for the repairing and amending the same, as to them shall seem meet, and such Surveyor shall thereupon, from Time to Time, within six Days after receiving such Orders, issue an Order, in Writing, under his Hand, directed to the Bailiff or Sub-Bailiff of the respective Parishes, Villages or Precincts, in the District for which he is Surveyor, therein naming and appointing eight Days, for the amending the said Ways, then following, and also directing the Time for beginning to work, which Bailiff or Sub-Bailiff shall, respectively, on Pain of forfeiting *Forty Shillings*, summon the Parishioners or Inhabitants of the Parish, Village or Precinct, to which he belongs, at the Church Door of the Parish, immediately after Divine Service, eight Days before the Time appointed for working, and the said Parishioners so summoned shall be chargeable thereunto, as followeth: That is to say, every Person keeping there a Horse-Cart, or other Carriage, shall find and send, at every Day and Place, to be appointed for the amending of the High-ways in that Parish, Village or Precinct aforesaid, one Cart or other Carriage, furnished with Oxen, Horses, or other Cattle, and all other Necessaries meet to carry Things convenient for that Purpose, and one able Man with the same, and shall, upon every one of the said eight Days, work and labour in the Amendment of the said High-ways, upon Pain of every Draught making Default *Twelve Shillings* per Day of the said Days, and every Man making Default, *Four Shillings* per Day of the said Days; and if the said Carriages of the Parishes, or any of them, shall not be thought needful by the Surveyor, or Bailiff in his Absence, to be employed upon any of the said Days, that then every such Person that should have sent any such Carriage, shall send to the said Work, for every Carriage so spared, two able Men, there to labour for that Day, upon Pain to lose, for every Man not so sent to the said Work, *Four Shillings*: And every Person and Carriage above said shall have and bring with them, such Shovels, Spades, Picks, Mattocks and other Tools and Instruments as are necessary for their said Work; and all the said Persons and Carriages shall do and keep their Work as they shall be appointed by the said Surveyor or Bailiff as aforesaid, eight Hours of every of the said Days; and if the same, or such Part thereof as shall be appointed by the Justices, shall not be repaired and amended within the said eight Days, that then the said Surveyors of High-ways, respectively shall, within ten Days after, present the same to the Justices a-new, who are hereby empowered to issue their Orders to the Surveyors as before directed. *And be it further Ordained, by the Authority aforesaid*, That it shall and may be lawful to and for the Surveyors, or Bailiffs in their Absence, for the Amendment of the said High-ways, to take or carry away any of the Rubbish or smallest broken Stones that shall be found ready dug, and lying near any Quarry or Quarries, being within the District of such Surveyor, or Parish of such Bailiff respectively; and that for want of Rubbish to be found ready dug, and lying near any Quarry or Quarries, it shall and may be lawful to and for the said



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Surveyors and Bailiffs respectively, for the Use aforesaid, in the several Grounds of any Person or Persons, being within their respective district or Parish (Houses and Gardens excepted) and nigh adjoining to the way or Ways wherein such Reparations shall be thought necessary to be made, and wherein any Gravel or Sand is likely to be found, to dig or cause to be digged one Pit only in such several Grounds, provided such Pit be not in any Way in Breadth and Length above ten Yards over at the most, and that the Surveyor or Bailiff shall immediately cause the same to be fenced round, and within one Month after making or digging thereof, cause the same to be filled and stopped up at the Cost and Charges of the Parishioners, and likewise to gather Stones lying upon any Lands or Grounds, proper to be used for such Service and Purpose, and thereof to take and carry away so much as by the Discretion of the said Surveyor or Bailiff shall be thought necessary to be employed in the Amendment of the said High-ways.

*And be it further Ordained, by the Authority aforesaid, That every such Surveyor, or Bailiff by his Direction, shall, by Force of this Ordinance, within their respective District or Parish, have full Power and Authority to turn any Water-course, or Spring of Water, being in any of the said High-ways, into any Ditch or Ditches of the several Ground or Soil, of any Person or Persons whatsoever, next adjoining to the said High-ways, in such Manner and Form as by the Discretion of the said Surveyor or Bailiff shall be thought meetest and most convenient.*

*And be it further Ordained, That the Ditches, Fences, Dikes or Hedges, next adjoining, on either Side, to any high or common Way, shall, from Time to Time, be sufficiently repaired and kept in good Order, so as not to incommode the High-ways, and all Trees, Shrubs and Bushes, growing in the High-ways, shall be cut down, grubbed up, and carried away, by the Owner or Possessor of the Ground or Soil, which shall be inclosed with the said Ditches, Fences, Dikes or Hedges aforesaid, within ten Days after Notice to him or them given by the said Surveyor or Bailiff, on Pain to forfeit for every Neglect the Sum of *Twenty Shillings*, to be levied and disposed of as is herein after mentioned, whereby the said Ways may be open, and the People have more ready and easy Passage in the same.*

*And be it further Ordained, by the Authority aforesaid, That no Person or Persons whatsoever shall lay in any High-way, not being twenty Feet broad, any Stones, Timber, Straw, Dung, or other Matter, whereby the same shall be any ways obstructed or annoyed, on Pain to forfeit for every such Offence the Sum of *Twenty Shillings*, to be levied and disposed of as hereafter is mentioned.*

*And be it further Ordained, That every such Surveyor or Bailiff, for the Time being, shall, within twelve Days next after Default or Offence made, done or committed, by any Person or Persons, contrary to the Purport and true Meaning of this Ordinance, present every such Default or Offence to the next Justice of the Peace for the Time being, upon Pain to forfeit for every such Neglect or Offence, in such Sort not by him presented, *Forty Shillings*; and that every such Justice of the Peace, to whom any such Default or Offence shall be presented, as is aforesaid, shall certify the same Presentment, so to him made, at the next General or Special Sessions within the said Districts respectively then next to be holden, upon Pain to forfeit, for not certifying every such Presentment of such Default or Offence, as is aforesaid, *Five Pounds*; and the Justices of the Peace, in the District where any of the said Defaults or Offences shall be committed, shall have Authority to enquire of any such Default or Offence, committed within the Limits of their Commission, at every their Quarter-Sessions, and to assess such Fines for the same as they, or three of them, shall think meet.*

*And be it further Ordained, by the Authority aforesaid, That every Justice of the Peace shall have Authority by this Ordinance, upon his own proper Knowledge, in the open General or Special-Sessions, to make Presentment of any High-way, not well and sufficiently repaired and amended, or of any other Default or Offence, com-*



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mitted and done within the District or Limits of his Commission, contrary to the Intent of this Ordinance; and that every such Presentment made by any such Justice of the Peace, upon his own Knowledge, as is aforesaid, shall be as good, and of the same Force, Strength and Effect, in the Law, as if the same had been presented, found and adjudged, by the Oath of twelve Men; and that for every such Default, so presented as aforesaid, the Justices of the Peace of the said District shall, immediately, at the said General or Special-Sessions, have Authority to assess such Fines as to them, or three of them, shall be thought meet, saving to every Person or Persons, that shall be touched by any such Presentment, to have his or their lawful Traverse to the same Presentment, as they might have upon any Indictment for Trespass or forcible Entry, by the Laws of *Great-Britain*. *And be it further Ordained, by the Authority aforesaid, That the Surveyors of High-ways shall, and are respectively required, to make every High-way fourteen Feet wide at least, and as near as may be, even and level.*

*And be it further Ordained, by the Authority aforesaid, That all Fines, Forfeitures and Penalties arising, or which may be incurred by this Ordinance, shall be levied by, and paid into the Hands of the Surveyor of High-ways of the District or Place, by Virtue of a Warrant from a Justice of the Peace of such District, to be applied towards the Repair and Amendement of such High-ways; and that every Surveyor of High-ways shall, every six Months, or oftner, if thereto required, give an Account in Writing, under his Hand, upon Oath, to the Justices, in their General or Special-Sessions of the Peace to be held in the District wherein he is Surveyor, of all Monies that has come to his Hands, which ought to be employed in mending the High-ways, and how he hath disposed of the same; and in Case any Monies shall remain in his Hands, he shall immediately pay the same to the Clerk of the Peace of that District, and in Case of Failure, as aforesaid, shall forfeit double the Value of what shall be adjudged to be in his Hands by the said Justices, to be recovered by Warrant of Distress and Sale of the Offenders Goods and Chattels, in like Manner as other Fines and Forfeitures are recoverable by this Ordinance; and every Clerk of the Peace shall regularly file all such Accounts, and make fair Entries thereof in a Book to be kept by him for that Purpose, of all Monies paid to him as aforesaid, and forthwith pay the same over to the Receiver-General of this Province for the Time being, to be applied towards defraying the contingent Charges of this Government.*

*And be it further Ordained, by the Authority aforesaid, That no Suit, for Defaults or Penalties by Virtue of this Ordinance, shall be commenced after six Months from the Time of the same being committed.*

*GIVEN by His Excellency the Honorable JAMES MURRAY, Esq; Captain-General and Governor in Chief of the Province of QUEBEC, and Territories thereon depending in America, Vice Admiral of the same, Governor of the Town of Quebec, Major-General of His Majesty's Forces, and Colonel-Commandant of the Second Battalion of the Royal American Regiment, &c. &c. In Council, at Quebec, the 27th Day of March, Anno Domini, 1766, and in the Sixth Year of the Reign of our Sovereign Lord GEORGE the III. by the Grace of God, of Great-Britain, France and Ireland, KING, Defender of the Faith, &c. &c.*

JA: MURRAY.

By Command of His EXCELLENCY in Council,

JA. POTTS, D: G: G:



## SESSIONAL PAPER No. 29b

An ORDINANCE, *To alter and amend an Ordinance of His Excellency the Governor and His Majesty's Council of this Province, passed the Seventeenth Day of September, 1764.*

WHEREAS by an Ordinance of His Excellency the Governor and His Majesty's Council of this Province, made and passed the Seventeenth Day of September, 1764, Intituled, *An Ordinance for regulating and establishing the Courts of Judicature in this Province*; His Majesty has most graciously been pleased to signify His Royal Will and Pleasure therein, by an additional Instruction to His said Excellency the Governor, "That the Welfare and Happiness of His loving Subjects in this Province, which will ever be Objects of His Royal Care and Attention, do require that the said Ordinance should be altered and amended in several Provisions of it, which tend to restrain His Canadian Subjects in those Privileges they are intituled to enjoy in common with his natural born Subjects:" And therefore it is His further Royal Will and Pleasure, that it should be declared, And by His Honour the President of His Majesty's Council, by and with the Advice, Consent and Assistance of His Majesty's Council of this Province, and by the Authority of the same, *It is hereby Ordained and Declared*, That all His Majesty's Subjects in the said Province of Quebec, without Distinction, are intituled to be impannelled, and to sit and act as Jurors, in all Causes civil and criminal cognizable by any of the Courts or Judicatures within the said Province.

And for the more equal and impartial Distribution of Justice, *Be it further Ordained and Declared, by the Authority aforesaid*, That in all civil Causes or Actions between British born Subjects and British born Subjects, the Juries in such Causes or Actions are to be composed of British born Subjects only: And that in all Causes of Actions between Canadians and Canadians, the Juries are to be composed of Canadians only; and that in all Causes or Actions between British born Subjects and Canadians, the Juries are to be composed of an equal Number of each, if it be required by either of the Parties in any of the abovementioned Instances.

*And be it further Ordained and Declared, by the Authority aforesaid*, That His Majesty's Canadian Subjects shall and are hereby permitted and allowed, to practice as Barristers, Advocates, Attornies and Proctors, in all or any of the Courts within the said Province, under such Regulations as shall be prescribed by the said Courts respectively for Persons in general under those Descriptions.

*And be it further Ordained and Declared, by the Authority aforesaid*, That this Ordinance shall continue in Force until His Majesty's Pleasure be further known herein; and that so much of the said Ordinance of the said Seventeenth of September, 1764, as is not hereby altered and changed, shall and is hereby declared to be temporary only.

*GIVEN by the Honourable PAULUS ÆMILIUS IRVING, Esq; President of His Majesty's Council, Commander in Chief of this Province, and Lieutenant-Colonel of His Majesty's Army, at the Castle of Saint Lewis, in the City of QUEBEC, this 1st Day of July, in the Sixth Year of His Majesty's Reign, and in the Year of Our Lord One Thousand Seven Hundred and Sixty-six.*

P: ÆMIs. IRVING.

By Order of the Commander in Chief of the Province,  
JA. POTTS, D: G: G:



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An ORDINANCE, *For adjourning the Inferior Court of Common-Pleas for the District and City of Montreal, in this Province.*

WHEREAS the holding an Inferior Court of Common-Pleas at the City of *Montreal*, for the District and City of *Montreal*, on the Eleventh Day of *July*, is, for several important Reasons, likely to prove very prejudicial to the Inhabitants residing in the Country in the said District; for preventing whereof, *Be it Ordained and Declared, by His Honour (the President of His Majesty's Council, and Commander in Chief of this Province) by and with the Advice, Consent and Assistance of His Majesty's Council, and by the Authority of the same, It is hereby Ordained and Declared*, That the next Meeting of the said Inferior Court of Common-Pleas, intended to be held for the District and City of *Montreal*, at the City of *Montreal* aforesaid, on the Eleventh Day of this Instant *July*, is, by Force of this Ordinance, adjourned until the Eleventh Day of *September* next, at the City of *Montreal* aforesaid: And all Persons who have any Thing to do at the said Inferior Court of Common-Pleas, for the District and City of *Montreal*, intended to be held at the said City of *Montreal*, on the said Eleventh Day of *July*, shall, by Virtue hereof, have free Licence and Liberty to forbear their Attendance until the said Eleventh Day of *September* next, at the said City of *Montreal*; and all such Persons are hereby required to keep their Day on the said Eleventh Day of *September* next, at the City of *Montreal* aforesaid.

*And be it further Ordained, by the Authority aforesaid, That the said Inferior Court of Common-Pleas, for the said District and City of Montreal, shall, yearly and every Year, be held on the Eleventh Day of September, and on the Eleventh Day of February.*

*GIVEN by the Honourable PAULUS ÆMILIUS IRVING, Esq; President of His Majesty's Council, Commander in Chief of this Province, and Lieutenant-Colonel of His Majesty's Army, at the Castle of Saint Lewis, in the City of QUEBEC, this 1st Day of July, in the Sixth Year of His Majesty's Reign, and in the Year of Our Lord One Thousand Seven Hundred and Sixty-six.*

P: ÆMILs. IRVING.

By Order of the Commander in Chief of the Province,

JA. POTTS, D: G: G:

An ORDINANCE, *For granting Licences for retailing Rum and Spirituous Liquors, and for Suppressing unlicenced Houses.*

WHEREAS there are a great many Persons in this Province who presume to retail Rum, Brandy, Wine, Syder, and other spirituous and strong Liquors, and keep common Tippling-Houses and Victualling-Houses without Licence; for preventing whereof, *Be it Ordained and Declared, by His Honour the President, and Commander in Chief, by and with the Advice, Consent and Assistance of His Majesty's Council of this Province, and by the Authority of the same, It is hereby Ordained and Declared*, That no Person or Persons whatever within this Province, after the Twentieth Day of *September* now next coming, shall be admitted or suffered to sell by Retail, any Rum, Brandy, Wine, Syder, or other spirituous and strong Liquors, mixt or unmixed, by whatever Name or Names they may be called and distinguished, or keep any common Tippling-House, or Victualling-House, without Licence for that Purpose first had and obtained from the Deputy-Secretary of this Province, upon presenting to him a Certificate from the Clerk of the Peace of the respective Districts of this Province, That such Person or Persons had been approved of by the Justices of the Peace, at their Quarter-Sessions for the said respective Districts, and



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upon their entering into Recognizances to His Majesty, in the Sum of *Twelve Pounds*, with sufficient Securities, as well against the using unlawful games, as also for the using and Maintainance of good Order and Rule to be had and used within the same, for the Time to be limited in such Licenses, for which *Thirty-Six Shillings* shall be paid to the Deputy-Secretary, *Two Shillings* whereof shall be for the Clerk of the Peace for his Certificate, and *Eight Shillings* to the Secretary for taking the Security and granting the Licence as aforesaid, and the Remainder to be appropriated to *publick Uses*, as the Governor and Council shall think proper; and every such Licence shall continue in Force for one Year and no longer, to be computed from the 29th Day of *September* next, and in like Manner for every succeeding Year.

*And be it further Ordained and Declared, by the Authority aforesaid, That every Person in this Province, who, after the Twenty-ninth Day of September now next coming, shall keep any Tippling-House or Victualling-House, or shall retail any Rum, Brandy, Wine, Syder, or other spirituous and strong Liquors, mixt or unmixt, or by whatsoever Name or Names they may be called or distinguished, without being licensed thereunto according to the Direction of this Ordinance, and shall be thereof convicted, within ten Days after such Offence committed, on his or her Confession, or the Oath of one credible Witness, by any one or more Justices of the Peace of the District where such Offender shall reside or be licenced, every such Offender shall forfeit and pay for the first Offence, the Sum of Five Pounds, for the second Offence, the Sum of Ten Pounds, and for the third Offence, the Sum of Twenty Pounds, and after the said third Offence, shall be incapable of keeping a Tippling-House or Victualling-House, or of selling any Rum, Brandy, Wine, Syder, or other spirituous and strong Liquors by Retail, by Virtue of any Licence granted before such Conviction, or of having any Licence for such Purpose thereafter; and if any such Offender shall continue to commit any of the aforesaid Offences, then such Offender shall, for every such Offence, subsequent to his third Conviction, forfeit and pay the Sum of Twenty Pounds. All which respective Penalties and Forfeitures, shall, and may be levied by Distress and Sale of the Goods and Chattels of every such Offender (rendering him or her the Overplus, after the Charges of the said Distress and Sale are deducted) by Warrant signed by the said Justice or Justices who do convict such Offender, which said Penalties shall be paid and applied, one Half to the Informer, and the other Half to His Majesty, for the Use of this Government; and such Conviction signed by the said Justice or Justices, shall be good and sufficient in Law, to all Intents and Purposes, and the said Justice or Justices shall, immediately after the said Conviction is signed as aforesaid, intimate, or cause to be intimated, the said Conviction to the Person convicted, and shall return or certify the same, and the Proceedings therein, to the Clerk of the Peace of the District in which such Justices do act, to be by the said Clerk preserved amongst the Records of the said District.*

*Provided always, and be it further Ordained, by the Authority aforesaid, That if any Person, aggrieved by such Conviction, shall be minded to appeal from such Conviction, it shall and may be lawful to and for such Person, within ten Days after such Conviction shall have been intimated to him or her, to appeal to the next ensuing Quarter-Sessions, or Adjournment thereof, which shall be held for the District where such Offence shall have been committed, and the Justices of the Peace, assembled at such Quarter-Sessions or Adjournment, are hereby authorized and empowered to hear and determine the said Appeals, and to give and cause to be executed such Judgment or Sentence as in their Opinion, the Justices, from whom the Case is appealed, ought to have given.*

*Provided always, That the Person appealing shall, with all convenient Speed, and before the Meeting of the said Quarter-Sessions, or Adjournment thereof, leave his or her Reasons of Appeal in Writing with the Clerk of the Peace of the said District, and also attend, and with Effect prosecute his or her Appeal at the said Quarter-Sessions or Adjournment thereof, and the Clerk of the Peace shall, at the Quarter-*



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Sessions or Adjournment thereof, produce all such Convictions and Reasons of Appeal as shall have been returned or certified to him, or left with him since the last Quarter-Sessions or Adjournment thereof, and shall, upon reasonable Notice, deliver to any Person requiring the same, a fair Copy of such Conviction or Reasons of Appeal, for each Copy whereof the Sum of *Three Shillings*, and no more, shall be demanded and paid.

And in Order to prevent frivolous and vexatious Appeals, *Be it further Ordained and Declared, by the Authority aforesaid*, That it shall and may be lawful to and for the Justices of the Peace, at the said Quarter-Sessions or Adjournment, if they shall judge any Appeal from any Conviction to be frivolous and calculated for Delay, to award, order and direct the Party appealing to pay any Sum not exceeding *Forty Shillings*, over and above the Penalties herein before-mentioned, to be levied and applied in such Manner and to such Use and Uses as the said Justices shall direct and appoint, and the Judgment and Determination of the said Justices, at the Quarter-Sessions or Adjournment thereof, shall, in all the Cases aforesaid, be final and conclusive to all Intents and Purposes.

Provided that nothing in this Ordinance contained, shall extend to prevent any Merchant, Shop-Keeper or others, not licenced to retail Rum, Brandy, Wine, Ale, Beer, Syder, Perry, or other strong Liquors, from selling any Quantity of such Liquors, not less than Three Gallons at one Time.

*GIVEN by the Honourable PAULUS ÆMILIUS IRVING, Esq; President of His Majesty's Council, Commander in Chief of this Province, and Lieutenant-Colonel of His Majesty's Army, at the Castle of Saint Lewis, in the City of QUEBEC, this 7th Day of July, in the Sixth Year of His Majesty's Reign, and in the Year of Our Lord One Thousand Seven Hundred and Sixty-six.*

P: ÆMILS. IRVING.

By Order of the Commander in  
Chief of the Province.  
JA. POTTS, D. C. C.

An ORDINANCE, *In Addition to an Ordinance of His EXCELLENCY the Governor and Council of this Province, of the Seventeenth of September, 1764, intituled, "An Ordinance for regulating and establishing the Courts of Judicature in this Province."*

WHEREAS it has been often complained of, That there being no more than two Terms in the Year, appointed for holding His Majesty's Supreme-Court of Judicature, and Courts of Common-Pleas within this Province, is a Delay in obtaining Justice, and a great Prejudice to publick Credit; for Remedy whereof, *Be it Ordained and Declared, by His Honour the President and Commander in Chief of this Province, by and with the Advice, Consent and Assistance of His Majesty's Council, and by Authority of the same, It is hereby Ordained and Declared*, That a new Term is by Virtue of this Ordinance established and added to the two former Terms, called Hillary and Trinity Terms, which said new Term shall be called Michaelmas Term, and shall commence and be held yearly, for the Dispatch of publick Business in the said Supreme Courts and Courts of Common-Pleas respectively, on every Fifteenth Day of *October*, with the same Number of Return Days therein as is practiced in the said two other Terms, called Hillary and Trinity Terms, with the same Liberty of appealing from the Judgments therein to be given, and all other Rights and Privileges as is and are established by an Ordinance of His Excellency the Governor and Council of this Province, of the Seventeenth of *September*, 1764, Intituled, "*An Ordinance for regulating and establishing the Courts of Judicature in this Province,*"



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or by any other Ordinance in Addition to or in Amendment or Explanation thereof: And all Writs and Process whatsoever hereafter to be lawfully and regularly sued out of any of the said Courts, and made returnable the first or any other Return-Day of the said Term, called Michaelmas, by this Ordinance established, are hereby declared to be good and valid.

*GIVEN by the Honorable PAULUS ÆMILIUS IRVING, Esq: President of His Majesty's Council, Commander in Chief of this Province, and Lieutenant-Colonel of His Majesty's Army, at the Castle of Saint Lewis, in the City of QUEBEC, this 26th Day of July, in the Sixth Year of His Majesty's Reign, and in the Year of Our Lord One Thousand Seven Hundred and Sixty-six.*

P: ÆMILs. IRVING.

By Order of the Commander in Chief of the Province,  
JA. POTTS, D. C. C.

An ORDINANCE, *Repealing a former Ordinance of this Province, concerning the summoning of Grand and Petty Juries.*

WHEREAS it is judged expedient for the Inhabitants of the District of Montreal, that the Chief-Justice of this Province should hold one or more Sessions of the Supreme-Court of Judicature in every Year at the Town of *Montreal*, and that on those Occasions the Juries attending on the said Court should be summoned from the District of *Montreal*, and not from the Body of the Province at large, to the End that the Facts that shall be contested in the Causes that shall be tried in the said Sessions may be ascertained by the Oaths of good and lawful Men of the Neighbourhood of the Places where they have happened, according to the wholesom and ancient Rules of the Common Law of England. And whereas it has been ordered by the King's Most Excellent Majesty in His Privy Council, by an Order, dated the Twenty-second Day of *November*, One Thousand Seven Hundred and Sixty-five, That a Session should be held at *Montreal*, by the said Chief Justice, for the Trial of the Persons suspected to be guilty of the outrageous Assault committed upon Mr. *Thomas Walker*, of *Montreal*, on the Sixth of *December*, One Thousand Seven Hundred and Sixty-four, and that the said Trial should be by a Jury of the Vicinage: *It is Ordained and Declared, by His Excellency the Lieutenant-Governor of this Province, by and with the Advice and Consent of the Council of the same*, That a certain Ordinance of this Province, dated on the Ninth Day of *March*, in the Year of our Lord One Thousand Seven Hundred and Sixty-five, and published in the Gazette of the said Province, on Thursday the Twenty-Eight Day of the same Month, Intituled, "An Ordinance directing that all Grand and Petty-Juries hereafter to be summoned to serve at any Court of Record, Court of Assize and General Goal-Delivery, in this Province, shall be summoned and returned from the Body of the Province at large, without Distinction or Regard to the Vicinage of any particular District within the same," shall be, from the Day of the Date of the Publication hereof, totally void and of no Effect, but shall be deemed to be hereby repealed and annulled to all Intents and Purposes whatsoever; and that whenever a Session of the said Supreme-Court of Judicature shall be held at the Town of *Montreal*, the Grand and Petty-Juries, that shall attend thereat, shall be summoned from the District of *Montreal* only, and not from the Body of the Province at large.

*GIVEN by His Excellency the Honourable GUY CARLETON, Esquire, Lieutenant-Governor and Commander in Chief of the Province of Quebec, Brigadier-General of His Majesty's Forces, &c. &c. In Council, at the Castle of*



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*St. Louis, in the City of Quebec, on Tuesday the Twenty-seventh Day of January, in the Seventh Year of His Majesty's Reign, One Thousand Seven Hundred and Sixty-seven.*

GUY CARLETON.

By the Lieutenant-Governor's Command,  
JA. POTTS, D. C. C.



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## APPENDIX F.

## MEMORANDUM BY THE HONOURABLE TOUSSAINT POTHIER.

*(It is undated and unaddressed, but it is evidently intended for Sir James Kempt the Governor General and was written in 1829.)*

In order to state the causes, from whence the turbulent disposition, that has evinced itself of late years in this Colony, appears to me to have arisen, and to point out the deficiencies which exist in the various Departments entrusted with the discharge of public duties, some narrative of the circumstances, that have led to the ascendancy of the Popular Party, who hold so conspicuous a sway in the proceedings of the House of Assembly, is necessary; and in giving it, the subject must unavoidably lead to a free statement of opinions and discussion of the measures that appear best adopted to allay the spirit of independence that is struggling for prepondrance, and to counteract the evils that check the prosperity of the country.

It is an essential point towards the well-being of a Government that those in whose hands the directing authority lies vested should investigate personally both by self purchased and borrowed experience into the real state of things and the sources of alleged grievance; in order, before applying the remedy, to guide the opinion, which, when once maturely confirmed as to the fittest course to be adopted, should be firmly persevered in and unhesitatingly acted upon. Hitherto the local Government of Canada has been deficient in steadiness of purpose—no fixed line of Policy has been persevered in, and the present disorganized state of the Country is—the natural result of such a vacillating system of Government more peculiarly pernicious when local causes, arising from that innate prejudice which renders it difficult thoroughly to amalgamate the feelings and disposition of one People with those of another, would singularly have called for a steady adherence to a fixed principle of administration, which by impartiality might have softened the asperity of rival pretensions, and by firmness have quelled the restless spirit of ambition, the inherent offspring of such rivalry. During a period of twenty years, say from 1807 to 1827, this Province has passed under the rule of eight different Administrators, independently of some short Presidencies—I include in this Lord Dalhousie's period of Government as two separate eras, the intermediate year of Sir Francis Burton's command having given it the effect of two distinct administrations. Each alternate administration has either invariably reversed the system of administration pursued by his predecessor, or where a better discriminated course might have been adopted, untoward circumstances have rendered the period of Government too short to be productive of any good results. The period to which I allude, commencing with the Administration of Sir James Craig, with which His Excellency, Sir James Kempt is familiar, and the fluctuating policy of the succeeding Governors down to His Excellency's immediate Predecessor, the Earl of Dalhousie, being matter of public notoriety, it is not necessary to enter into minute details of the proceedings held under each different rule; but from hence has enated the condensement, and expansion of those feelings of Party Spirit, that have spread discontent and disunion throughout the Province, and whose existence, tracing their origin up to antecedent times, from the earliest period of the Establishment of British dominion in these Colonies, may be attributed to this general principle; that the Governors on their arrival have allowed themselves to be biassed in their opinion, and have formed their judgment of the country and the



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people, upon the report of whatever individual might have had the earliest opportunity of obtaining access to their confidence; the information they thus derived naturally proceeding from persons in Government employ, mostly unacquainted with the natives of the Country and prejudiced against the French origin, has led them into erroneous conclusions as to the loyalty of the people, and induced them to exclude the Canadian Gentry from places of honor or emolument, and to disregard them in matters of politeness and attention. Other Governors, on the other hand, struck by the injustice of the obvious preference bestowed upon the English Colonists above the native proprietors of the soil, without inquiry or investigation, have as unguardedly, listened to the angry clamours raised by the Members of the House of Assembly—(which like all popular Assemblies must possess its “oppositionists”; aspiring men who, devoid of other claims to notice, seek to curry favor with the ignorant by noisy declamation against superior authority)—and in the anxiety to remove causes of discontent, perhaps, too, flattered by the pleasing halo of popular applause, have indiscreetly raised to rank and authority, men unfit to be placed uppermost in the sphere of political influence from the disposition they had evinced to thwart every measure of Government, their inferior rank in life, and limited knowledge of the world at large and of that just level of Society, which should be preserved to uphold the governing and governed in a well poised scale of due amenity and subordination. Thus the endeavour to set disputes at rest by silencing the noisy, has inadvertently opened the lists to opposition and formed the ground work of the confidence and power of the Demagogues who now so boldly set the executive power at defiance. Here, then, lies the great source of evil; that the impartiality which, as strangers uninfluenced by local interests, it might have been expected would have guided the conduct of the Governors, has been destroyed, and “seeing with the eyes of others,” they have identified themselves with rival parties, political jealousies have been bred and fostered and have increased in acrimony as each adverse party has superseded the other in obtaining credence and favor for a brief day. It now becomes an object of importance to discriminate how far the opposing parties, whether Canadian or *Anti-Canadian*, who have exercised temporary influence over the Executive Government, stand blended with the real interests of the Province itself, and attached to the general prosperity of the British Empire at large,—to do so it is necessary to review the past and actual state of the various ranks of society in Canada, and as a native Canadian, I grieve that the retrospect will show a lamentable deterioration in the once highly respectable class of its *Noblesse* and Gentry. And indeed this falling off in the upper class of Canadians is in a great degree attributable to the conduct of the Executive towards them, for, neglected by the Government and consequently held in light consideration by their English fellow-subjects, who inferior to them in birth and station were placed above them by the hand of protecting power acting under the influence of national prejudice, the well born Canadians were from cogent, but not from irremediable causes, withheld from any interference in public affairs, and forced into a retirement, that had led to the decay of their families and the destruction of their aristocratical influence so eminently essential to the maintenance of a monarchical Government, especially when the ruling authority stands controlled by a constitution so free and open to the admission of popular power as is the English;—the independent branch, that stands between the authority of the King and the power of the people, is the *equipoise*, that supports this admirable tho’ not faultless fabric, and the decay of so necessary a part of the structure is forcibly felt here. The Canadian Seigneurs could not uphold themselves without the countenance of the Government on account of the mediocrity of their fortunes—the Seigniorial revenues not being sufficient to meet the expenses of bringing up a family in the towns, or adequate to support the style of living required for mixing in society; the profit to be derived from the holding of public situations, when added to territorial income, might have supplied this deficiency



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while the consideration attached to the enjoyment of such places would have upheld the consequence of the Seigneurs among the English colonists, and have maintained the influence, which from birth they yet exercised over the peasantry, who then in the old French spirit yielded a cheerful and respectful deference to their acknowledged superiors. But situations of emolument were bestowed by partial patronage, and were almost universally filled by place hunters, strangers to the Laws of the Country, enemies to the Religion of the people, ignorant of their language and prejudiced against their manners and customs. Let it be well understood, that in speaking generally I do not mean to imply that there were no exceptions to the system of exclusion, or that none of the public officers were qualified to hold the situations entrusted to them, nor was the state of things I represent the rapid revolution of a day,—it grew gradually from the causes I state of partiality and want of discrimination in placing the guidance of Departments into the hands of persons limited in capacity and knowledge; and it was by degrees that the Canadian Gentry urged by pecuniary considerations, retired to the country, and, mortified by not meeting with the courtesy which was their due, yet too loyal from principle to seek to excite discontent among the people against a Government to which they had pledged their allegiance, forbore from taking any part in matters of public interest, became dispirited and neglected the education of their families—hence their loss of influence; want of literary education and knowledge of the world, has sunk the consequence of the succeeding generation below its proper level; the division of small properties among large families, where the sons had no prospects of fortune, save the pittance inherited from the fathers, has impoverished the inheritors of the names; and thus, between ignorance and penury, many of the once highest families have sunk into nonentity.

Unchecked by any counteracting influence, another lower set of Canadians has risen under the shadow cast by the ruin of the older Houses; their ambition was awakened by the rapid rise of the traders and other obscure individuals who came to the Colony in quest of fortune and who found a ready access to her gifts, they sought a certain education and naturally endowed with quick talents of perception, pushed themselves on in the professions of Law and Medicine, or in pursuits of traffic, and acquired a middling rank in society—by their acquirements they gained an ascendancy over the more ignorant of their own sphere, stood for the Elections, were returned Members of the House of Assembly and became dabblers in politics. Altho' I would not identify them, as their detractors have done, as bad subjects and revolutionists, yet are they imbued with the "Spirit of the Age" of which the native sons of England herself have imbibed a good share—the meddling political mania inculcated by the events of the revolutions and counter revolutions of France, upheld as doctrines sacred to Liberty and the Rights of Man in all the doings of that eventful era, came more immediately home to those who sought for literary recreation in productions couched in their mother tongue and who shared a reminiscent feeling of affinity with its actors, a feeling which would have lain totally dormant had it not been nurtured by that unwise perpetuation of national jealousy which incessantly brought their origin before them as an obnoxious inheritance to English eyes.

Acquitting them of any primary intention to act the *practical* part of the insurrectionary Lesson, it must yet be admitted that they adopted some portion of the *theory* (witness the affinity in the late Constitutional meetings and the "Clubs" of the last years of the past century in France) and found a ready key to popularity in cries against oppression and abuses in Government, and declarations of willingness to stand the devoted champions of the people.—Unopposed by any counteracting effort on the part of the first class of the Canadians, who at first might have appealed with kindred claims to popular confidence, the tide of popularity has run so impetuously in their favour that any opposing attempt to stem the current and reach the haven of representative power stands almost vain.—Thus does the faction headed by the



“Papineau and Viger Party” wield the privileges of the Commons at their will, and grasping at power, the Assembly seeks to obtain an ascendancy over the Executive and to fetter its independence by denying any permanent Bills of Supply.—A measure which is effected would place the officers of Government under their annual control.—The struggle between the Executive and representative branches of the Legislature thus owes its existence to the ambition of the leading members of the Assembly, antagonists not to be despised, for they possess the advantage of talents that have been the stepping stone for their preponderance, whose aim, in the violent opposition they have raised against Government is individually to secure to themselves lucrative or honorable appointments—a view in which they are encouraged by the past practice of bestowing places on those who have acted the part of Agitators; not only of late, but in anterior years the same remedy has been resorted to and the glaring instance of the very individuals who under Sir James Craig’s Government were imprisoned as Traitors or next to it, being subsequently, in the succeeding administration raised to the Judicial dignity, is but a repetition of former appointments of a similar nature. It seems rather an anomaly, but it is nevertheless the fact, that the Democrats have been the persons who have been accredited by the Administrators of the Government, whenever the Canadian Party have been preponderant in favour; to them have places and favours been dispensed, while less noisy but more respectable individuals have been left disregarded. And it becomes a question how far the conversion of a popular favorite into a seeming parasite of Government, operates towards the maintenance of the authority of the Crown and the attainment of political tranquility throughout the Country; — past experience and natural reasoning combine to shew the fallacy of the measure. The natural independence of the human mind will ever lead the multitude easily to accredit the assertion that those who rule them, wrong them; therefore he who will loudly deprecate the abuses practised by superior authority, unfold a string of grievances and hold himself forth to the people as the assertor of their rights, will ever find a ready path to popularity. It is not the individual that fascinates the eyes of the people, it is the doctrine that flatters their ear; induce its now zealous professors to cease their declamations, any other individual who will take up the insidious theme and act a similar part will in his turn become equally the demi-god of the people. From this I do not infer that the common Canadians are disloyal; they are good subjects, not from principle but from content and indifference; the confidence they place in the leaders of the party is the natural result of political ignorance and of the belief with which they are impressed, that it is thro’ the exertions of these persons that they are preserved from taxes and oppression—the popular adherence to these individuals should then be attributed to feelings of confidence and gratitude towards their representatives, but not to a disposition of hostility towards the Government. If it be admitted that individual ambition is the incentive that directs the leaders of the existing faction in a course of conduct tending to shake the loyalty of the people and injure the influence of Government, that popularity can readily be attained by any individual who may raise the voice of discontent and who possesses sufficient address to work the Engine of Complaint so as to shape out tools that may assist his own purposes from among the unsuspecting partisans who fancy that they are uniting their men for the attainment of public good; and many such men are to be found, for transcendent abilities are not required to mislead the ignorant; if these principles be admitted, then the erroneous policy of advancing to place and power, those who seek advancement by means so subversive to the preservation of good order becomes apparent; it is a bait that will lure others to track the same path—an encouragement to perpetuate inciters of discontent. Besides it were unwise to increase *in substance* the *mental* influence which is already too great. The undue ascendancy of the party commonly designated “The Papineau and Viger Party” should not therefore be placed on a still firmer basis, and the authority of its members increased by raising them higher in the social sphere; they



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are already above their own level and should be kept within bounds. Thus time may diminish their power; for popularity, the idol of a day, requires to be fed and fostered by circumstances tending to increase the consideration attached to its puppets; if advanced to local influence by the power of place, by respect and countenance from higher authority, it begets an acknowledgment of superiority, a feeling of respect that gives the popular favorite a more unbounded ascendancy over those who become subservient to him by the regular rule of established authority as well as by the influence of popularity. Firmness on the part of the Executive in resisting any encroachments on its rights and prerogatives by the House of Assembly is essential, in as much as that in Canada, where circumstances have contributed to bring the several classes to the same level, the representative power undoubtedly gives a more unchecked ascendancy to the people than it does in England; the elements of an Aristocracy, hereditary rank and wealth, being wanting, there is no intermediate independent Body, whose interests stand equally connected with the stability of the Government and with the prosperity of the soil and the people, to interpose between the undue exercise of power on the part of the Crown, and an over-assumption of control on the part of the Commons. So that in order to keep a check on the over-influence of the Popular Branch in the Assembly, it becomes essential so to constitute the Legislative Council as to afford thro' its Members, some support to the Government, otherwise the Crown would become solely a nominal branch of the Legislature. Under these circumstances the plan of greatly increasing the number of Legislative Councillors and placing that Body on a more extended scale does not appear judicious, because there are but few of the landed proprietors, men of independent principles unshackled by the trammels of party, whose admission as Members would serve to increase its respectability as a separate Branch of the Legislature; by adding an undue proportion of English-born subjects the jealousy and differences existing between the Council and the Assembly would be increased; besides most of the English in the Colony are, generally speaking, birds of passage, not peculiarly attached to the interests of the soil or competent to judge of the measures most conducive to its advantage; and of the residents the most qualified are already on the existing list. The Canadians, with few exceptions, may be counted as of the Popular Branch, and would strenuously support the pretensions of the Assembly; a too general admission of this class would, therefore, form of the proceedings of the Council a second chapter of the Journals of the Assembly, and the adoption of such a measure might consequently prove dangerous to the interests of the Crown. Both a sufficient degree of talent and liberality in opinion and some connection with the staple interests of the Province should be necessary qualifications in the Members of the Council. It may be proper to notice here a peculiarity attached to the situation of the landed proprietors in this Country respecting the permanency of their interests in the soil, of which the Governors should stand aware in order not to be led into error by appearances; — there existing no entail on Seigniorial Properties, the Seigniories are marketable objects and, readily brought to sale, are frequently held by speculative possessors who are not attached to the real interest of the soil beyond a temporary investment of property; traffickers in land instead of goods; or they pass into the hands of new and needy proprietors, on credit, who subsequently are liable to have the property seized on them in default of their ability to liquidate the purchase money. From the nature of the Laws thus admitting the Seigniorial Estates to partake of the unstable nature of the trader's stock of merchandise the being a Seigneur in possession cannot consistently be admitted as conferring a claim to the holding a seat in the Upper Branch of the Provincial Legislature; — it would give public admittance to that Honourable House and place the legislative dignity within the reach of any designing speculators. The mere title of Seigneur, therefore, unless supported by corresponding eligibility of station and character stands at naught in the scale of respectability. Many an individual unpossessed of feudal acres might, thus considered,



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greatly outweigh the chance proprietor of the "*Biens Nobles*." Much has been said on the impropriety of admitting Executive Councillors into the Legislative Council. On this head it may be remarked that to form that body exclusively of the private advisers of the Crown would undoubtedly destroy its independence and be an encroachment on the Constitutional Rights of the Representative Branch, in the same manner as the admission of a majority of the popular power into the ranks of the Council would be subversive of the authority of the Crown, because in either case two Branches of the whole Legislative Body would become merged in one, and the spirit of the Constitution would thereby be destroyed; the foregoing argument has stated the causes which, to avoid such an alternative, render it necessary that the Legislative Council should possess members on whom the Government can place some dependence. And it is a palpable fact that in a colony (but more especially in this Province, when all the circumstances detailed in the preceding pages are considered) a sufficient number of men calculated to render efficient service in so important a point as the guidance of the Government are not to be found, to admit of keeping up a total separation in the Members of the two Councils. When the Constitution was first granted, the Country was otherwise situated and a glance over the list of the Members of the *Lower House* for the first Sessions of the Provincial Parliament will shew names as respectable as any of the *Upper House*, now can boast of.

From the faulty system that has hitherto prevailed of bestowing appointments of public importance, without discriminating whether the individuals nominated were possessed of those qualifications specifically required to sustain each different situation in a manner conducive to the Public benefit, much disorganization in the various civil departments has ensued. Some of the existing evils can be enumerated: In the general detail of the Courts of Justice, many causes of complaint exist; without entering into the consideration of what may be the efficiency of the Bench at Montreal, of which His Excellency the Administrator has had the opportunity to form a personal opinion, I shall proceed to another branch dependent on the Court and point out the disorder that exists in the Prothonotaries' Office as a glaring grievance, so fraught with serious consequences to individual interests, generally, that it essentially requires to be remarked; the Prothonotaries keep a too superficial superintendence over the conduct of their office and leave the clerks too much at their own discretion; it ensues that the duty of the office is always behind hand, and applicants on business can rarely obtain the needful until after reiterated renewals of their demand. A greater irregularity exists in the unrestrained access to the Records and Archives allowed to interested persons; so that it is in the power of any individual, not over-scrupulous on principles of honour, to secrete papers unknown to the Prothonotaries, the loss of which may prove highly detrimental and even destructive to the interests of the contending party; it has happened that papers exhibited in a suit have been detached from the file without a possibility of discovering them, and others, some times even the whole record appertaining to a case, have disappeared and not been recovered until a period of several terms has elapsed. Whether mislaid thro' official neglect or purposely concealed by interested parties, the delays and defaults occasioned in cases of Judiciary pursuit by such deficiencies are extremely prejudicial to individuals, and the easy opening thus afforded to a fraudulent detention of important documents cannot be too strongly deprecated. The same negligence is observable as to the official Minutes of Office of deceased Notaries, which are deposited among the Prothonotarial Records, and a total want of order prevades their distribution; indeed generally all the papers appertaining to this Public Registry lie equally insecure; besides which there is no method whatsoever observed in their classification and arrangement, so that the meeting with any act that may be sought for, is a doubtful and sometimes proves a fruitless attempt. An Article extracted from Neilson's Quebec Gazette of the 19th March, relative to the confused state of the Montreal Records, is worthy of attention and is annexed to these pages.—



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I now pass on to another Branch of Civil Authority highly important to the general good order of the community—the Magistracy:—It would be entering into superfluous detail to notice the many and frequent changes that have taken place in the Lists of Commissions of the Peace within late years and the heterogenous admission of all classes of characters to an office which, established for the preservation of social order, should assuredly be held by persons whose respectability would enhance the deference which should be inculcated towards a body entrusted with an object of such daily importance to the general moral welfare of the people. I shall merely observe that in the country throughout the parishes and townships, the Magistracy is too widely extended; if less numerous it might be more respectable and consequently more efficient. In the towns the ordinary sittings and meetings of the Magistrates for all objects of Police, City Improvements, and regulations tending to promote good order and conducive to general amelioration, have suffered much (conjointly with the indistinct appellation to the Commission of the Peace above mentioned) by the introduction of the office of chairman of the Quarter Sessions; the appointment of this officer has banished the oldest and most respectable Magistrates from taking part in the deliberations, and the whole control of the general police actually rests in the hands of the person so appointed, supported by a show of Magistracy in the person of a few individuals who are willing to attend to give the sanction of their names to the proceedings in order that they may bear necessary force of law. In the Reports of the Special Committee on Petitions of grievances that sat during the last Session of the Provincial Parliament the remarks respecting the Magistracy of Montreal and the details given in evidence by the persons who were called upon to give their testimony on that head are *substantially* correct. The excitement of party feeling may have imparted somewhat too high a colouring to some of the incidents adduced, but the substance of truth is there, and a reference to these documents may give to an impartial observer a fair insight into the causes of complaint; when they are fairly considered, the unwillingness of the older Magistrates to continue to take an active part in the discharge of the duties will not appear unfounded. That the Chairman of the Quarter Sessions for this District, for a time acted the part of a Government Spy, and assumed the authority of a general director of the Magistracy, and that upon his report the measure of confidence placed in individuals (especially Canadians) of the highest respectability solely rested, are well authenticated facts;—therefore, that Magistrates older in years and superior in station and character to the person thus placed above them as a prejudiced reporter of their opinions and principles, should have shrunk from rendering their disinterested services as subordinate assistance to him in the prosecution of the duties of his salaried office, is assuredly a natural circumstance; but it is not alone on these discrepancies that I ground my objections to this office. The Presidency at all meetings, bestowed by office on the salaried officer who is appointed to conduct the general Police business under the special appellation of *Chairman* of the Quarter Sessions, is incompatible with that due observance of the deference to the superior Magistrates, which it is decorous to observe in the public sittings of that body. I should therefore suggest the abolition of the situation as it now stands and the substitution of another appointment under the appellation of “Commissioner of Police” or whatever other designation might be deemed appropriate. This “Commissioner,” enjoying a salary as now does the Chairman of the Quarter Sessions, might as heretofore be chosen from among the Members of the Bar, as it is necessary that a person of legal experience should be in attendance to carry the business thro’ with all requisite formalities, &c. His trust would be to direct the office business and carry on the general duty attached to the Commission of the Peace as does the present functionary; also to preside at the private meetings of the Magistrates in order to lay before them the business on which they are summoned and to take their opinion on the subjects in deliberation; but at the General Quarter Sessions and in all other



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Public Sittings the Senior Magistrate present should take the presidency of the meeting, and the "Commissioner" of Police attend in his place to guide the *routine* of the Court. It must be observed that the person on whom this appointment might be bestowed, would have to forego attending to professional avocations as a practising lawyer, were he one; such untimely interruptions being incompatible with the regular discharge of the Police duties. The inconvenience of these calls on the chief Functionary of Police is not unfrequently felt and occasion delay in the prosecution of the Public service.

Among the subjects of dissent during the administration of the Earl of Dalhousie, the Militia Difficulties were one of the greatest sources of excitement; that much of this arose from the want of permanency in the Provincial Laws, and that the necessity of resorting to the old ordinances was the origin of, and the plea for the spirit of insubordination evinced by many of its officers is undoubtedly the most prominent cause of confusion that existed, but there were other evils that combined to increase it. Had the Militia at the time been on a proper footing, had order and method existed in the Department and the business been carried on with a systematic attention to regularity, much of the *éclat* of the proceedings might have been avoided; -- in fact the general disorganisation proceeded as much from the irregularity of the Department as from the political violence of Lord Dalhousie's enemies. A set of papers I have had the honor to lay before His Excellency the Administrator respecting the state of the Battalion under my orders may serve to give His Excellency some idea of the degree of *method* that has prevailed in the direction of the Department. Hence arose a series of contradictory orders, of placing and displacing of officers, of changes from one Battalion to another, and dis severments of companies: while some officers were causelessly removed from their Divisions as non-residents and placed on the retired list, contemporary orders promoted others to Battalions belonging to different counties. This wavering state of things gave rise to murmurs and afforded grounds for complaint which Lord Dalhousie's enemies did not fail to make use of, and which very much contributed to raise the cry of injustice against his subsequent measure of dismissing the officers who were taking an active part in the constitutional meetings. The steps His Lordship took for the purpose of putting the old Ordinances in force were both too hasty and not sufficiently firm for a time when political feeling ran high. To ascertain the sentiments of the commanding officers, had the Adjutant-General separately addressed them stating the Commander-in-Chief's intention to abide by the original law since the temporary act had expired, and requiring them to signify their acquiescence to continue the duties of their Battalions in conformity to them, their answers, had they declined, would voluntarily have put them off the list of officers and they could not have complained of being unjustly dealt with in being destituted, since how could they hold an appointment under an authority the legality of which they denied. Thus the *refractory spirits* might have been quietly displaced without any display of angry feeling on the part of Government, nor would any difficulty have ensued as to meeting with persons to replace them, by devolving the command for the time being on the next oldest officer in the Battalion willing to conform to the orders. Had such a plan been pursued I do not think that resistance to the ordinances would have been carried far; indeed I am inclined to believe that the plea of illegality was adopted by many rather as an instrument of political enmity to be turned against Lord Dalhousie, than from any conviction in their minds that the revived law was obsolete, and in support of this opinion I look to the subsequent conduct of the partizans of that assertion, when last year at Quebec a case was brought before the Courts of Justice of a nature to bring the question to issue; not one of the many members of the Bar, who had strongly denied the legality of the Militia Ordinances in desultory argument, then came forward to sustain the plea; nay even some of these gentlemen whose advice had guided the plaintiff in forming the action, and who had moreover induced him to institute it, drew



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back when the question came to be pleaded, and by their defection, left the plaintiff's suit unsupported. And here I would observe that in the enforcement of his act of his Government, Lord Dalhousie allowed obstacles to be strewed in his path, without taking effectual measures to remove them; while some of the Militia men who refused to do their duty were brought before the Summary Militia Courts held under the authority of the revived ordinances, and subjected to penalty for their insubordination, those who instigated them to the act, the lawyers (who at the same time held Militia Commissions) who in the public streets gratuitously gave their opinion against the legality of the revival of the old Laws, were left unmolested. Since His Lordship conceived that the emergency of the times warranted the exercise of authority in its rigour, its application had been better directed towards turning aside the hands that laid the obstructions, than wasted in endeavours to root up their work, and in so doing the removal of the *causes* might have acted more efficaciously towards the eradication of the evil, than did the attention bestowed upon the *effects*. To the want of prudence on the part of the Government and the want of order that pervaded the Department, do I then mainly attribute the disorganization and insubordination that was manifested in the Militia.

A cause of apprehension which entailed somewhat of a feeling of distrust towards the Government, was incautiously spread among the inhabitants of this Province by the discussions that were raised relative to language, and the promulgation of the plan held in contemplation to establish the English tongue solely in the Province by making it exclusively the language of the Courts of Law and of all public proceedings and documents. Such a change even if practicable would be most unwise. I say, if practicable, for to trench on that which is dearest to a people, that which may be termed their natural rights, their religion and their language, is a dangerous attempt. England has long beheld and still sees so fair a portion of her Dominions struggling under the dissensions that have been created by the exercise of control over one of those rights, that experience must assuredly make her wary of ever opening a path that might lead any other of her subjects into similar or parallel difficulties. After having been left in the undisturbed enjoyment of their laws and free use of their original language for so many years, the Canadians could not but consider the sudden retrenchment of the one in the light of a preliminary step towards a change in all the civil institutions which the English Government had hitherto respected in this acquired appendage to the British Crown—an act which would appear far more coercive now, than it would have done at the earlier period of the cession of the Canadas,—besides it would be a useless display of absolute authority; the daily intercourse between the Canadians of French origin with their English fellow subjects, which will gradually extend as the English settle more thickly in the Country, will spread the knowledge of the English Tongue quite sufficiently for purposes of mutual good understanding; even at this moment, notwithstanding the alarm and apprehension with which the Canadians view any attempt to force the language of the mother Country upon them, it is daily becoming more universally understood; in the towns all the youth attend the English schools and throughout the Country the knowledge of that language has become a branch of education in the families of all the *Bourgeois*;—so that the natural assimilation produced by intercourse and time will intuitively bring about as much affinity between the Canadian and English colonists as is desirable, without having recourse to the enactments of power. Moreover, I should consider it bad policy on the part of Government to seek to divest the Canadians of their old habits: these are the best safeguard to British Dominion in the Canadas, the strongest barrier that can be interposed between these Provinces and the neighbouring States:—keep the Canadians a distinct people; while indulged in their nationalities and enjoying the benefits of a liberal Government they cannot but be true to their allegiance—therefore *essentially* and substantially British, or *English* using the term as applied to



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subjects of that Realm:—Make them *practically English* by language and customs; will they be then as distinctly separated from their American neighbours as they now are? By assimilating their language and laws and thus setting open the door to friendly companionship, will not the mere duty of separate allegiance (unsupported by that strong link of connection with the State that claims their fealty, the hereditary national pride which attaches the Scions to the Banner of their Forefathers) constituting the difference between the English colonist and the American citizen, stand a far less perceptible breach between them, than does the widely marked distinction that exists between “le Peuple Canadien” and the American Nation? Upon these grounds I should consider the plan of adopting the change alluded to an unwise measure in policy, which might prove pernicious in its effects as well as dangerous in the attainment. It would be far wiser, instead of constantly holding up the difference in customs as a distinction of nation, to endeavour by constant assimilation of both Canadians and English in matters not only of politics but of sociability and by bestowing an equal and impartial share of attention and favour upon both, to extinguish jealousies and excite that spirit of a common interest which should animate the inhabitants of a common soil,—the avoidance of petty differences may do much towards promoting unanimity and cordiality in matters of higher importance, and among such little causes I would mention one which however it may seem trivial in itself, nevertheless bears upon this desirable harmony of the whole—I mean the designated place in precedence which should devolve to each station; it is a subject frequently questioned and the proper rank to be assigned to the Speaker of the House of Assembly has in particular occasioned much altercation of late; were a regular rule of precedence established it would contribute to general good order, as assigned to each their proper place would set all such arguments at rest.

It would be pursuing the subject too far to enter into detailed remarks upon the great deficiency of beneficial laws and institutions that sensibly retard the improvement of the Country; one of the greatest evils produced by the angry temper of the several Branches of the Provincial Legislature in their reciprocal proceedings has been the neglect of these important points, so essentially necessary both to the general prosperity and individual interests of the Province; it were needless to enumerate the provisions that would contribute to the attainment of the great aim to which Legislative labours should be directed, the public good; most of them have already been proposed or partially suggested at different times, and His Excellency Sir James Kempt has, altho’ yet at an early period of his Administration acquired a sufficient knowledge of the localities of the Country to form some estimation of the nature of the laws and improvements which would most especially facilitate the development of its resources. The injudicious allotment of the Crown and Clergy Reserves which is a great obstacle to the improvement of roads and the extension of contiguous settlements throughout the Townships, may also probably have come under His Excellency’s observation; in fact the general misapplication of the King’s Domain has been detrimental to the settlement of the Country—not only the Reserves but the Government Grants to individuals have been conducted injudiciously and with partiality; in many instances large tracts of land have been bestowed on absentees or others who uninterested in the soil have left it a wilderness, while many enterprising or industrious individuals in the Colony who might better have fulfilled the primary object of concession, have not had sufficient credit to obtain a similar indulgence; and again in dividing off the Townships from the Seignories, owing to the interference of intrigues, the Government has wrangled with the proprietors of the latter for an accidental extension of a few acres, and rigidly set bounds to the possessions of those who already carrying on improvements might have continued their settlements further had the land been allotted to them—thus taking from those who were pursuing the actual settlement of the land to bestow the grants upon persons who have left



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them for years in an uncultivated state. I can adduce an instance of such encroachment by Government upon the actually established lands of a Seigniory. The Seigniorial Titles are not always extremely definite as to limits and in this instance the line had been established by the original Grantee of the property, according to what was considered the extent of his title deed, and the property so possessed having subsequently passed by sale into other hands became established at its extreme limits; on the erection of an adjacent Township the Government in running the line claimed an encroachment on the Crown Lands by the existing original line of the Seigniory and threatened to sue the Proprietor, who, after repeated and unavailing efforts to effect an arrangement, consented to compromise his claim, rather than to enter into the intricacies and expenses of a lawsuit with the Crown, and had to divest himself of part of his settled lands that they might be given to others who have not taken a single step towards their improvement since they have held them in possession. But to enter on the topic of settlement and emigration would extend an already voluminous narrative to too wide a field. Before, however, closing these pages, there is yet a subject too closely connected with the maintenance of Government influence in this Province, to be passed over wholly in silence—I allude to the connecting link between the Government and the people that exists thro' the medium of the Clergy. It should be an object of attentive care with the former to secure the influence of the Catholic Clergy over the people in favor of the Crown; the acknowledged loyalty of that Body has ever been one of the best supports of the British Government in Canada, and the Executive authority should be mindful to retain so important a stay to its power, by a judicious application of the control which the Crown possesses over the nomination of the Bishop. Upon the head of the Provincial Clergy depends the whole conduct of that Body, and many of the Canadian Priests being linked to the popular party by ties of consanguinity and companionship it becomes desirable that the Bishop should be a man of liberal and enlightened sentiments, who independently of the general principle of the duty of civil allegiance and obedience to established authority inculcated by the tenets of the Catholic Faith, would, by precept and example, guide his clergy in the strict path of duty and prevent their deviating therefrom by any interference in matters foreign to the nature of the sacred duties they profess. During the warmly contested Elections of 1827, complaints were made that in two or three instances the parish curates had taken a more active part in the public canvassing than was consistent with the orderly example they should have shown to their parishoners. This evil, like many others, arose from mismanagement on the part of the Government. At the death of the late Bishop Plessis in the close of 1825—the Popular Party were already deeply engaged in political contention, and an intrigue which he had countenanced, that of endeavouring to intrude Mr. Lartigue, a connection of theirs, into the functions of Diocesan Bishop of the District of Montreal, to the prejudice of the influence enjoyed by the Gentlemen of the St. Sulpician Seminary, had evinced that the popular leaders were seeking to strengthen their favor with the people by uniting to it some ascendancy in the Church. These circumstances I should conceive warranted the Administration to use caution in sanctioning the choice of a Successor to the Episcopal Dignity; this precaution was neglected and the hasty approval of the Coadjutor then named to the Bishop of the Diocese was an ill-judged compliance on the part of the Governor which some inquiry might have warned him to withhold; the succeeding Prelate to Bishop Plessis being a venerable old man who had hitherto led a retired life, unoccupied by passing events, and who from age, habits and scope of natural faculties, was not calculated to suppress the spirit of intrigue which the machinations of ambition had artfully introduced into the Ecclesiastical Body and thereby unfit for a station which demanded qualifications beyond the mere range of private worth and virtues. The Canadian Clergy possess Members whose intellectual qualities and enlightened minds would qualify them to meet the difficulties of such a situation. A Coadjutor of this stamp might have guided the



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veteran Ecclesiastic in the discharge of his pastoral duties, and through such a medium, independently of the prospective aim to an efficient succession to the See, the immediate opening to the rising preponderance of the "Party" might have been averted. A more judicious selection should in future be observed to prevent the recurrence of any symptoms of a disposition to swerve from that strict adherence to the interests of the Crown which has invariably been displayed by the highly respectable members of the French Clergy, the ornaments of the Catholic Church in Canada, than whom more loyal and zealous subjects England does not possess. As to the legal differences that have formed the grounds of dispute between Mr. Lartigue, Bishop of Telmesse, and the Church Wardens of the Parish of Montreal, they rest upon the distinction to be made between a Diocesan Bishop enjoying right of Ecclesiastical Jurisdiction, or a Bishop *In Partibus* possessing the same spiritual authority in the discharge of functions purely religious, but holding no temporal authority of Jurisdiction. The Episcopal Dignity having been conferred on Mr. Lartigue, by attachment to a nominal distant See, the Spiritual power is that alone which he possesses without the range of his nominal Bishopric. But the Bishop of Telmesse in virtue of holding some delegated authorities from the Bishop of Quebec, having arrogated a claim to certain rights inseparably attached to the possession of Jurisdiction, the Church Wardens of Montreal steadily resisted the undue assumption of a power appertaining exclusively to a Diocesan Bishop, and as such the Bishop of Quebec stands solely recognized by law in the Province of Lower Canada. The Priests of the Seminary in Montreal without taking any ostensible part in the contention, nevertheless adhered to the line of conduct adopted by the Church Wardens in respect to withstanding any attempt at infringement on matters of Jurisdiction, and thereby became implicated in the feud in which others of the Clergy began to take part. Mr. Chaboillez, curé of Longueuil, in particular warmly and ably sustained the argument against the pretensions of the Bishop of Telmesse. In further explication of the Ecclesiastical rights claimed by the latter, I subjoin a communication signed "Cephas" taken from the *Montreal Gazette* of the 27th July, which on perusal struck me as exhibiting a true and accurate statement of the case: His Excellency, if desirous of further details can, I imagine easily procure Mr. Chaboillez' Pamphlets on the subject.

The condensed sketch I have given may suffice to shew that the differences of recent birth that have agitated the "Church" in Canada, take their origin from the same source whence have sprung the dissensions that have prevailed in the "State"—namely, the intrigues of the ambitious seeking to acquire preponderance and power despite the regulating bounds of established authority.



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## APPENDIX G.

CALENDAR OF THE PUBLIC LETTERS IN THE NEILSON  
COLLECTION BETWEEN THE YEARS 1801 AND 1824.York.  
Aug. 20, 1801.

John Bennett to John Neilson. Takes the occasion of first letter from York to describe his trip, the town of York and his own circumstances and prospects. He gives a vivid account of the trip on the lake, which in his opinion differs from the Atlantic only in its magnitude. York, which 7 years before was a complete wilderness, has now 100 houses or more. Settlers coming in from all parts, even so remote as Pennsylvania. Yonge street is well settled by French and Americans. The country about is thickly inhabited. Provisions of all kinds, except flour, very dear and scarce. Bennett was appointed King's Printer for Upper Canada, his predecessor being peremptorily ejected. The salary is £100 currency, that is £60, with £40 lodging money. The printing of the laws and journal, which have not been printed is extra. £300 is allowed for that. The rest of the letter is taken up with business matters.

York.  
Aug. 31, 1801.

J. Bennett to J. Neilson. The Lieut.-Governor is leaving for Kingston on the following day. Bennett urges Neilson to send him a good supply of printing paper. He has been commissioned to print the laws from the beginning. Tiffany at Niagara applied for the commission, but his application was unanswered.

York.  
Jan. 17, 1802.

J. Bennett to J. Neilson. Business affairs. As Bennett was at this time King's Printer for Upper Canada, the following extract, illustrating his difficulties through the impossibility of getting supplies during the winter, will be found interesting: "I am to print the laws from the commencement, together with the laws and journals of next session, and as near as I can calculate, I shall want for this work about 40 or 50 bundles (of demy paper), also 1 or 2 bundles demy blue covering paper, about 6 or 8 bundles Crown for the *Gazette*. I have used up all the Crown I brought up with me long ago and purchased all I could here, and am now reduced to the disagreeable necessity of printing on blue covering paper for my subscribers. I also purchased 2 bundles demy from Radford through the means of Mr. Brown, it arrived here with that you sent me in the fall and was of great help. I printed 1,500 copies of the laws. I could not muster paper for more; 2,000 copies were ordered—the Journals are nearly two-thirds finished, but I am afraid I shall not be able to complete them till the arrival of the paper in the spring." General Hunter is particularly interested in having complete set of laws. There is hardly a complete set in the province.

Berthier.  
Dec. 26, 1802.

James Cuthbert to J. Neilson. Commending the prospectus of the *British American Advertiser*, offering to become a correspondent, and subscribing for it.

Sunday evening,  
1803.

Wm. Smith to J. Neilson. He is sending material promised for a new publication. Is apprehensive that, if too liberal with informa-



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tion he may injure his forthcoming book. He and Sewell of opinion that there should be periodical meetings of Neilson's friends that nothing may appear in the *Gazette* "but what may be as serviceable to the country as creditable to the editor of the publication." Sewell has a large number of letters which he intends to publish, relating to public men in the United States. The new journal should be interesting. It would be well to have several original pieces. Caldwell and Blanchet should be set to work. Young might deal with commercial extension, and Pyke and Bowen with the doings of the Courts.

List of the Assessors for the city of Quebec for the years from 1796 to 1802, both inclusive.

Quebec,  
May 2, 1803.

A warrant signed by Lieutenant-Governor R. S. Milnes for the payment of the annuity of Wm. Osgoode, late Chief Justice.

Boucherville,  
July 12, 1803.

J. Quesnel to J. Neilson. Regretting the ill-success which has attended Neilson's publication the *Hebdomadaire*, and suggesting at some length how such a publication might be made to succeed in such a country as this.

York,  
Jan. 1, 1805.

J. Bennett to J. Neilson. Explaining the absence of letters from him to Neilson, he mentions the wreck of the vessel *Speedy*, by which many people of York lost their lives. He gives in detail an account of his difficulties with the Government respecting his accounts for printing, attributing the trouble to the unjust and overbearing conduct of Chief Justice Allcock. Respecting Mr. Jarvis' indebtedness to Neilson, he got an execution against the household property of the former. The Solicitor General who issued the execution was lost in the *Speedy*. He encloses two accounts.

Quebec,  
March 9, 1805.

Estimate of cost of printing Smith's "History." "The printing of an 8<sup>vo</sup> volume containing 344 pages, pica type, will cost £71-13-4 for the first 100 copies and £11-18-4 for every additional hundred."

Sept., 1805.

Draft of a petition addressed to the Honourable Thomas Dunn, Administrator of the Government by the creditors of the late Honourable Hugh Finlay, asking for such a distribution of the assets of the estate, as the Administrator shall deem proper.

Laprairie,  
May 10, 1806.

Rev. J. B. Boucher to J. Neilson. Sending remarks on Ambury's letters for publication, if Neilson judges proper. Ambury has much merit, and something may be allowed to his prejudices, but it is difficult to write of his observations without bitterness.

He has some interesting news to give regarding the death of Jumonville. The French declared war in 1754 against the English on the occasion of the death of Jumonville, killed, as was said at the time, by a musket ball while he was delivering an oration, as ambassador, at Fort Necessity. An Indian, wounded mortally and who expired almost immediately after uttering the name of Jumonville, to M. Devilliers his brother, remained alone of all the detachment to tell the news. Such is the subject of the Poem of Jumonville composed by Mr. Thomas.

The story is false. The party of scouts led by Jumonville was met in a valley by a detachment of English and Indians commanded, it is said, by Washington. The English discharged a volley which brought down Jumonville, who certainly did not make the speech attributed to him by Mr. Thomas. Mr. Boucher states that he had this information from a gentleman, who was but a few steps away when Jumonville fell. The same account was given to Mr. Boucher



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by another gentleman to whom it was told with the same circumstances by a person who formed one of the scouting party. Both these witnesses are respectable and well educated. Jumonville had, it is true, a commission to enter into pourparlers with the English, but he was also furnished with a commission to attack the English, if his party was the stronger.

York,  
Jan. 1, 1807.

J. Bennett to J. Neilson. His affairs promise better, owing to the Lieut.-Governor's kindness. Mr. Weekes, to whom a piece of business should have been entrusted, fell in a duel with Wm. Dickson of Niagara. Both men in the same party. The duel arose from Party business.

Montreal,  
Feb. 28, 1807.

James Brown to J. Neilson. He is about to print a paper called the *British Colonist* or *Canadian Gazette*, and asks Neilson to print the prospectus and to accept the agency for the paper.

Quebec,  
Sept. 7, 1807.

J. F. Perreault, Major, 1<sup>st</sup> Batt., to J. Neilson. Stating that Pierre Bedard had asked him if he (Bedard) had been recommended for a command in the Militia. Perreault asked him how he could expect such an appointment, since he had given practically no attention to the militia since the Militia Act came into force. Perreault told him that if he desired to have an appointment, his application would be forwarded to the Staff officers.

This is all there is in the charge made in *Le Canadien* respecting patelinage.

Quebec,  
Sept. 21, 1807.

J. F. Perreault to J. Neilson. With further reference to the same matter.

Quebec,  
Oct. 14, 1807.

J. Sewell to J. Neilson. Notice of an action for libel on Mr. Perreault, published in *Gazette* under signature of P. Bedard.

Montreal,  
April 10, 1809.

James Brown to J. Neilson. Stating that he has made arrangements, in association with another gentleman, for the purchase of a paper mill, which will have a productive power equal to supplying all the paper required for newspapers in the country. Some other business matters.

Quebec,  
July 21, 1809.

Justin McCarthy to J. Neilson. He has been at the printing office for a proof of his work; is disappointed to learn that it will not be ready for some time. Urges haste.

Quebec,  
Aug. 21, 1809.

Justin McCarthy to J. Neilson. Regrets delay in pushing forward work on his book. Since the issue of his advertisement of the work, eight subscribers have died, and three have left the province.

Montreal,  
Dec. 21, 1809.

T. Osgood to J. Neilson. Has been making books and boxes for children. He is sending one set to the Governor. He wished to send a set each to the Catholic bishop, the Protestant bishop, the Rev. Mr. Sparks, the Rev. Mr. Dick, to the Methodist clergymen, and to the Chief Justice, but the post could not carry them. Asks Neilson's assistance.

1809.  
Thursday morning

J. McCarthy to Mr. Neilson. Asks him to commence the printing of the Dictionary as he promised to do after the completion of the pamphlet of the Literary Society.

1809.

Estimates for the printing of some work (presumably the History) by Wm. Smith. There are four sheets.

Quebec,  
1810.

W. Smith to J. Neilson. Urging haste in printing of publication. He has an offer of £200 for 200 volumes. Should he accept such an offer?

Three Rivers,  
1810.

Return of Baptisms, Marriages and Burials in the district of Three Rivers for the year 1810. (Certified.)



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Quebec,  
March 2, 1811.

John Cuvillier to John Neilson. He is not receiving any letters from his friends in England. Imagines they may be lying in some American post office.

Quebec,  
April 4, 1811.

J. Neilson to West & Blake, Boston. Negotiating on behalf of W. Smith for the publication of the History of Canada, by that firm for the American market. Mr. Smith would place the work in their hands for half a dollar for each volume sold.

Montreal,  
June 11, 1811.

James McGill to J. Mure. Regarding the Finlay estate. There was a suit to have the boundary fixed between Finlay's property and that of General Burton. Two experts visited the district in July and August previous, but they disagreed, and each made a report. A motion was made before the Court for the appointment of a third expert, but objection was made that the Crown was concerned, and an order was given directing that the Solicitor-General be made acquainted with the facts. When a copy of the judgment was required from the prothonotary, it could not be found; and a new judgment will be obtained and served. The result is quite uncertain.

(There is also a copy of this letter in the collection.)

Montreal,  
Nov. 16, 1811.

T. Osgood to J. Neilson. He and some other are attempting to form a small book company. Mr. Mower will take five shares, and he hopes Mr. Neilson and Mr. Desbarats will do as well, seeing the plan will help printers, bookbinders and booksellers.

The company is to be the Canada Book Company and he is going to ask the Bishop and Dr. Sparks to act as judges of publication. He goes into some details of the business.

Montreal,  
Nov. 18, 1811.

T. Osgood to the Rev. Dr. Spark. Stating that a scheme is proposed for the publication of as many useful books for circulating libraries and charitable distribution as possible. The Rev. Dr. Mountain approves of the design and has consented to act as one of the judges of the publications proposed, and the hope is expressed that Dr. Sparks may feel disposed to undertake the same duty.

May 19, 1812.

A certified copy of an Act to continue for a limited time and amend an Act passed in the forty-third year of His Majesty's reign entitled "An Act for the better Regulation of the Militia of this Province to repeal certain Acts or Ordinances therein mentioned."

Pointe aux Trem-  
bles,  
June 7, 1812.

J. B. Frechette to J. Neilson. Giving an account of the militia, to which he is attached, under the command of DeSalaberry. He hears that it has been reported that they are in much distress, which he denies. There have been some desertions, but the deserters have been brought back. There are 550 of the militia there. They appear well satisfied with their provisions, and with Mr. DeSalaberry. Mr. Woolsey has made him sergeant in his company. The company consists of 55 men. They are obliged to travel two leagues daily for exercise.

Montreal,  
July 19, 1812.

J. W. Woolsey to J. Neilson. With reference to the discharge of the duties of treasurer of the Benevolent Society during his absence with the troops.

His battalion left Long Point that morning for Blairfindie to take up their quarters. The ranks are composed of a fine set of young men whose conduct is very meritorious with the exception of about a dozen, chiefly from town. The deserters are nearly all returned. Out of six in his company only one is absent.



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- Ste Marguerite de  
Blairfindie,  
July 29, 1812. J. B. Frechette to J. Neilson. Has had fourteen days marching, but is very well. There is no sign of war. They hope to return about October.
- Eaton,  
Aug. 2, 1812. Sergeant Guyn is dead.  
An address by Joshua Preble, schoolmaster of the township of Eaton to the inhabitants of the township on petitioning the Governor for arms and ammunition.
- On board the  
*Lady Shaw*, near  
Kamouraska,  
Nov. 13, 1812. T. Osgood to J. Neilson. Business matters. Proposes advertising a Canadian Bank on a new principle, the funds being devoted to buildings for the poor and needy. The compensations to be those usually assured to those who lend to the Lord.
1812. Sketch of a Bill for the taking of the Census in Lower Canada. It is in John Neilson's handwriting.
1813. List of officers employed on lake Ontario in 1813. The list contains the information respecting six ships of war, which carried 100 guns in all.
- Jany. 18, 1813. An Order of the Assembly directing John Neilson to attend the Committee of the whole House to explain the delay in the printing of the laws of the previous session.
- Jany. 25, 1813. An Order of the Assembly directing John Neilson to attend the Committee of the whole House to explain the delay in the printing of the laws of the previous session.
- Trois-Rivières,  
Jany. 28, 1813. P. Bedard to J. Neilson. Speaks of the pleasure Neilson's letters give him. Invites him to pay a visit to Trois-Rivières.
- Trois-Rivières,  
Jany. 30, 1813. P. Bedard to J. Neilson. The Assembly resolutions regarding Martial Law originated in an idea of Mr. Stuart, which he (Bedard) regarded as incorrect.
- Embargos are against law, and excusable from necessity only. The Assembly might have declared against the law, but they should have unanimously approved of the Governor and Council having established embargos. The safety of the State is supreme law. The power exercised by Governor and Council not to be feared. Those employing illegal powers do so at their own risk, which is guarantee that they will not be used except in cases of necessity.
- Trois-Rivières,  
Jany. 20, 1813. P. Bedard to J. Neilson. Thanks him for the clear account he gives of the proceedings in the Legislature. On the question of privilege, he would give no opinion without consulting the precedents. He believed that the Council had the privilege. He does not know whether any ceremony on the part of the Assembly was necessary. In ordinary cases when a member has been summoned as a witness, he does not at once respond, but he asks the permission of the Assembly, which is granted in all cases, Bedard believes. It is another question whether Council should refuse in the case in hand, and Bedard considers that it expedient that permission should have been given. Otherwise, it would have been shown to be opposed to the disclosure of the truth.
- Trois-Rivières,  
Feb. 20, 1813. P. Bedard to J. Neilson. Neilson's letter represents vividly the inconveniences of which the Governor is probably ignorant. He sees the necessity of the allowance being granted to the women and children. The strongest motive with the militia is the defence of their families, and in the case set forth by Neilson, they would have to begin by sacrificing them. Bourdages says the Governor thought that the Captains of Militia would have the good sense to give orders, which would make up for the failure to pass the Bill, which



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classifies the militia, and that they would order out in the first place the unmarried men and so on. The drawing of lots would upset everything. Representations should be made of the insurmountable inconveniences. The "substitute" clause would have diminished the evil, in enabling those who are required at home and have the means, to remain at home to work their farms. Service would have been a help to those in want. Bourdages and Papineau tell him the Governor takes sides with the Assembly, and is not well pleased with the Council. He mentions Rientor, Taschereau and Bourdages, speaking of the disappointment of the last, as regards an appointment; also, the illness of Mr. Vassal (the Adjutant General) and the likelihood of Taschereau succeeding. "C'est une terrible charge que d'être Gouverneur."

He hears the two "grands juges" are to meet in March, probably regarding the Rules of Practice of the poor District of Trois-Rivières, "which is like a child nursed by two mothers and is likely to be choked with attention unless it can digest two meals at once."

London,  
March 19, 1913.

Thaddeus Osgood to J. Neilson. Has arrived in England after a voyage of seven weeks. Reports that he has prospects of assistance in his charitable schemes.

Montreal,  
April 4, 1813.

D. Pastorius to "brother and sister." Giving an account of events at Amherstburg while he was there. A few days after his arrival, war was declared, and things were in a disturbed state until the surrender of Detroit (16 Aug. 1812). From that time quiet reigned until the 18th Jan'y. when the British advance party at River Raisin was attacked by 800 of the enemy, and obliged to retreat to Malden. On the 21st the British set out to meet the Americans, and at break of day next morning attacked them with a hot fire which caused upwards of half the enemy to retreat after the second shot. As the Americans took to the woods, the Indians "gave a good account of them." The General did not appear in the engagement, but was making the best of his way for the rapids with two officers and an interpreter. But an Indian named Jack Brandy having a fast horse, outran them, and stopped the general and his three companions, until other Indians came up and took them prisoners, although the Americans were well armed with sword and pistols. Many of the battles have been gained by the whoops of the Indians which to those unused, appear more like an earthquake than anything else. The noise we made was more terrifying to the enemy than the roaring of the guns. The contest lasted till about 10 o'clock when we had the pleasure of seeing our foes lay down their arms, and in a very little time I took off my disguise and dissembled no more the Indian for that day.

The rest of the letter gives purely personal news.

York,  
April 6, 1813.

Dr. John Strachan to J. Neilson. He is drawing up a topographical account of Upper Canada, and by way of introduction propose to give a general view of both provinces. Desires a copy of such numbers of the *Gazette* as may be of assistance. Many of the papers in the *Gazette*, particularly those relating to the impressment of seamen, strike him as very good.

Trois-Rivières,  
April 20, 1813.

P. Bedard to J. Neilson. A gossiping letter of only personal interest. He says at the end that subscriptions are being raised for the poor, but that this will do little good, as subscriptions will not furnish an extra blade of corn.



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Trois-Rivières,  
May 30, 1813.

P. Bedard to J. Neilson. Makes excuses for not writing. Asks if Neilson has seen the first number of the *Spectateur*. It was Mr. Viger who wrote that number from end to end.

Trois-Rivières,  
July 7, 1813.

P. Bedard to J. Neilson. Personal remarks. The only news he has is the following, which does honour to the district, to the town and even to the Justice of Trois-Rivières. Mr. Fraser, clerk of the Court of King's Bench, has been visiting his father in Upper Canada lately. He and his brother were out in a canoe fishing, when there came in sight an American vessel. Mr. Fraser's brother turned back to get two guns, and they moved towards the vessel, Mr. Fraser of Trois-Rivières in the stern and his brother in the bow. When they came within 100 paces of the vessel, the brother summoned the captain of the vessel to come on board the canoe. The captain demurring, Mr. Fraser's brother put his musket to his shoulder, and the American captain came down. The vessel was laden with provisions.

Trois-Rivières,  
Nov., 1813.

P. Bedard to J. Neilson. Personal affairs. Great outcry is made among the English as to what has taken place in Upper Canada. The "Craigistes" maintain constant criticism of Governor. The reproaches cast upon the Governor tend to do great harm in lessening confidence in the Governor on the part of citizens and militia.

There has been a pretty good harvest.

Thanks Neilson for his kind words on the conduct of the Canadians at Chateauguay. "Your compatriots are so set in their prejudices against the Canadians that the greatest miracles would fail to open their minds." The Chief Justice desires to discuss with Bedard the Rules of Practice.

Quebec,  
Dec. 27, 1813.

Copy of a certificate signed by a number of leading citizens, as to the fitness of Joseph Geauvreau for the duties of Road Inspector for the town and suburbs of Quebec.

Trois-Rivières,  
Jany. 22, 1814.

P. Bedard to J. Neilson. Judges are petitioning Colonial Secretary for increase of salary, and he is signing, adding a note asking to be put on an equality with other judges.

Trois-Rivières,  
Feb. 17, 1814.

P. Bedard to J. Neilson. Personal affairs. As a proof that the administration will not appoint a Canadian to office unless he is devoted to the administration is given the fact that Mr. Panet, Speaker of the House for so long, has never been made an Executive Councillor. There appears no reason for this, except that he is attached to the Canadians.

Trois-Rivières,  
Feb. 22, 1814.

P. Bedard to J. Neilson. Respecting proposed mission to England to carry address of House.

As to the Army Bills under discussion in the House, he has some criticisms to make. If the commissioners were restricted to declaring the rate of exchange just as it was on the spot at Quebec, the result would be great inconvenience. There seems to be an idea that the rate should be the lowest possible, which Bedard considers a mistake. The effect would be unduly to lower the value of the Bills. The greatest danger to avoid is uncertainty in the rate, which may arise from the Commissioners trying to realize an ideal of equity, which is unattainable. The nominal value of the bills is of no consequence; the value in exchange is everything. The best thing would be for the government to fix the exchange value. Here is his idea of preventing the nominal value from exceeding the real value of the bills. It is necessary, first, that for £100 of bills, one may have



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here a bill of exchange for which he may have in England a quantity of bank bills sufficient to buy £100 in England; then it would be necessary to add the highest rate of exchange against England, since for the next twelve months, being a period of war, England having much more need of funds in Canada than the provinces have of funds in England, the exchange will be against England at the highest rate probably, and there is no risk that it will not be higher rather than lower.

Trois-Rivières,  
Feb. 23, 1814.

P. Bedard to J. Neilson. Acknowledging Neilson's letter of 22nd. Neilson will see that Bedard is not greatly annoyed by the rescinding of the resolution (that to go to England to present the address). He has given further thought to the Army Bills, and is persuaded that a fixed rate of exchange will remove the greatest inconveniences. The labour which Government employs in war is drawn from our agriculture, and there will no longer be the surplus of produce for exportation. The money (Army bills) paid by the Government will replace that which exportations would have procured. All this money is destined for the purchase of the merchandise of England, the Islands, &c., which can be paid for by bills of exchange on England and consequently by Army bills. As the bills are used for the purchase of merchandise, one cannot put them into strong boxes. The habitants who receive them in the market carry them at once to the shops. Those to whom the Government pay the bills take them to the market for food, and to the shops for clothing, rum, etc. The only inconvenience would be in the case of articles which could not be paid for by Bills of Exchange on England, and there are but few of such. Money could not be saved under this arrangement, and the Province cannot advance, which is of course an evil.

There is no likelihood of stagnation through the great abundance of bills put in circulation, the circulation having a course, assured and even rapid. The government will only pay for such services as it requires, and those receiving the bills will handle them as they do ordinary money. Provided that the note of exchange is fixed, so that a merchant knows for a certainty what the value of his bills in England is, there will be no inconvenience beyond the fact that the people are confined in their purchases, to England or to countries having dealing with England.

The abundance of money diminishes its value only when it is limited to the country in which it is issued. The value of bills, if it is fixed on the value of the quantity of metallic money, which may be purchased in England, will keep the value of money, without the possibility of its being lowered.

Turning to the savings difficulty, the legislature should take measures to fix the value of the bills, and not leave to Commissioners the power of fixing their value after a man has them in his pocket.

He then discusses the Resolution against the Rules of Practice. He is convinced, as Neilson is, that the judges have had nothing in view but to promote justice, in making the Rules and Regulations. The only benefit he can see from the present proceedings would be to check the tendency of the courts to make rules, and to cure them of the idea that the court, have the power to make such rules as they deem proper. Bedard wishes that the present proceedings would be taken as giving occasion for reflecting that the duty of making rules



## SESSIONAL PAPER No. 29b

of courts is not a light one; that it would be more certain although in the beginning less convenient to conform oneself to a law, which one would have to study, but from the defects of which one would be no more guaranteed when he had carefully studied it. The idea that the judges should have the power of making rules of practice, and changing them when they pleased has always appeared to him a great evil. It is in consequence of this idea that very good laws of practice have been abandoned, in order that they might be replaced by a short ordinance, shorter to study, but which leaves gaps to fill up, which gives occasion for rules of practice. He does not know how the present question will be settled, but if it is not by that (presumably by making a Law on the subject) its effect can only be bad. For if one leaves standing the necessity of making rules of practice, and then attacks the Judges for having made them, it will result that they will no longer venture to make them, and the courts will fall back into the confusion in which they were some time before, when there were only verbal rules, which changed every day.

Trois-Rivières,  
Feb. 27, 1814.

P. Bedard to J. Neilson. Approves highly of proceedings in Assembly. Further discussion on the Army bills. (8<sup>th</sup> March). Has seen and been greatly impressed by the heads of impeachment. The idea he gains from the perusal is that fear of the law has little place in this country. The whole trouble seems to him to be in the fact that the judges as legislative councillors make and modify the laws much as they pleased. They lose salutary respect for the laws and fall into the irregularities of which the Assembly complains. He approves of bill for excluding judges from the Council. (9<sup>th</sup> March). Is pleased at the steps for the appointment of an agent in England.

Montreal,  
March 31, 1814.

F. Blanchet to J. Neilson. Had made all his arrangements to go to Quebec, but they are suddenly changed. He is starting for L'Acadie, two companies of the 13<sup>th</sup> regiment having been defeated by the American army of five or six thousand men. All the Militia have orders to march.

Trusts Neilson and other friends will look after his election interests.

Trois-Rivières,  
April 21, 1814.

P. Bedard to J. Neilson. Invites attention to an article in the *Spectator*, censuring the Governor for his course in regard to current questions; and this, too, while they were refuting another writer, Nerva, who said that a governor could do nothing in Canada unless he managed it like Ireland. The writing is badly done, but it appears to Bedard to be the work of one of the notables. "Tout cela ne vous parrait-il pas annoncer qu'il faut un Général Craig ici, et que nous pourrions être réduits à n'avoir point d'autre régime que le sien."

Asks if Neilson had seen the pamphlet signed Aristide, printed at Montreal containing reflections on Bedard's conduct. He has written the Governor to say he is ready for any inquiry that may be made. As these reflections may be directed really against the Governor who appointed Bedard to the judgeship, he is the more concerned about them.

The Governor has done him the honour of a visit, and told him that he had recommended that Bedard's salary be put on the same footing as that of the other Judges.



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Trois-Rivières,  
April 27, 1814.

P. Bedard to J. Neilson. Respecting the article criticizing him. Gives purport of his letter to the Governor, and the latter's reply, expressing full confidence in Bedard, and satisfaction with his course on present occasion. Bedard after explaining his relations with members offered to resign, if his continuance on the bench is a source of embarrassment to the Governor. The Governor regrets that Bedard is taking the matter so much to heart, and expresses his wish to be useful to Bedard.

Trois-Rivières,  
May 4, 1814.

P. Bedard to J. Neilson. Asks for political news. He will not make much out of the pamphlet of Aristide, but it was proper to demand the name of the author.

Trois-Rivières,  
May 9, 1814.

P. Bedard to J. Neilson. His brother and Dr. Stewart advise against an action (presumably on the pamphlet). Stewart thinks it would be too risky on account of the ill-will the judges in Montreal bear towards him.

London,  
May 10, 1814.

Thaddeus Osgood to J. Neilson. Is returning to Canada soon. Has had a successful visit, seeing all the best schools in Scotland and Ireland, and raising £1,800 towards assisting the poor and instructing the ignorant of Canada.

Montreal,  
July 7, 1814.

F. Blanchet to J. Neilson. Has recovered his health. Speaks of situation in Europe; of a small disaster in Lake Ontario; of Prevost's chances of a peerage, as his administration was apparently approved in England. It seems that the Canadian addresses had enabled him to prevail over his enemies. He regrets the constitutional difference between Prevost and the Assembly. Sir George appears satisfied and is well pleased with the Militia who have done their best.

Trois-Rivières,  
June 21, 1814.

P. Bedard to J. Neilson. He hears no more from Neilson. Observes that several addresses were published in the last *Gazette*, but that they are not largely signed. There are no Canadian signatures. There are many of these who doubtless would have signed, if it were not for the ill-words for the Assembly in the addresses. It is no pleasure to him that they have refused to sign the address to the J. en C. (Chief Justice). Bedard knows he has done well as regards the Rules of Practice because before him there were none; "as to the other affair God knows what there is in it."

Mr. Stewart will not go to England. He fears what Bourdages says that the new Assembly will reverse what has been done by the last.

Trois-Rivières,  
Sept. 25, 1814.

P. Bedard to J. Neilson. He is distressed at the ill-feeling manifested against the Governor. The effect of the constant railing against the Governor is very pernicious on the Canadians. Those who are disposed to goodwill to the Governor, take things as they come, accustomed to receive all their impressions from the English and to be led by their influence. Having no impressions of their own, they are unable to withstand the current. They come back with pleasure when they hear better reports, but first impressions are lasting and there is no longer a reason for turning back, as no person is disposed to tell them better things. It is an untenable position to have against one, all the English party including all the gentlemen in the government.

Mr. Taschereau and Dr. Blanchet have written to him regarding the address to the Prince Regent. He discusses this at length.



## SESSIONAL PAPER No. 29b

Trois-Rivières,  
Sept. 29, 1814.

P. Bedard to J. Neilson. The Anti-Governor party has a great force. It regards itself and not the Governor as the government. The Governor seems to have no influence with them. The Canadian party cannot counterbalance them. It is only the fact of the war that can engage a Governor to take the part of the Canadians, with the present state of feeling in England.

Montreal,  
Oct. 22, 1814.

A. W. Cochran to J. Neilson. Asks that his *Gazette* may thereafter be directed to Government House, Montreal. The world is indebted to Neilson for the castigation administered to the miserable drivellers who infest the newspapers of Montreal. The *Courant* (a decent paper) contains an American extract signed "People," which Mr. Cochrane commends. "What a pity and shame our enemies should be more candid, moderate and modest than ourselves."

Trois-Rivières,  
Nov. 3, 1814.

P. Bedard to J. Neilson. Speaks of the activity of the English party, and of the attention being paid to himself. Discusses action of Assembly on the Rules of Practice, believing that Mr. Stewart is working only for his own satisfaction. He considers Chief Justice is entitled to praise not blame for his work on the Rules. As Neilson observes, nothing can terminate the struggle so long as the constitution lasts. It must be either put aside or better executed. If the Governor is withdrawn it will be a bad sign for Canadians. The other party is solidier and stronger. At Trois-Rivières, feeling is against the Assembly, which he attributes to their representatives. Heads of clergy against Assembly. The Bishop sent an address to be signed by the clergy declaring their neutrality between the branches of the Legislature; they are limited in politics to regarding Governor as representative of King, and have worked to second his views. The policy of British Government towards Ireland of much concern to Canadians, as there is a parallel between their cases. There is some advantage, probably, to Canada, in proximity of United States. Mentions two articles in *Gazette* respecting defences of Canada.

Trois-Rivières,  
Nov. 23, 1814.

P. Bedard to J. Neilson. The importance of a clear statement of affairs in Canada, which should embody the views of all leading Canadians. Respecting an address, and the paucity of signatures in Montreal and Trois Rivières, there is to be noted the habitual disagreement between Montreal and Quebec, and the comparative lack of zeal and public spirit in the former place. There is none at all in Trois Rivières. An agent in England would be invaluable in removing difficulties due to ignorance and misunderstanding. Bedard speculates on the success which will attend the visit of the Chief Justice to England. He will doubtless say that if the Canadians fought well for the defense of the country, the credit is due to him and to General Craig.

Quebec,  
Dec. 26, 1814.

Report of a meeting of a committee of the Book Society, in Mr. Wilkie's school room, to deal with the question of Prize Books and School Libraries.

Tuesday morning,  
1814.

A. W. Cochran to J. Neilson. Asking to have his name omitted from the address as published, which was presented to the Chief Justice on his departure.

Montreal,  
Jany. 2, 1815.

A. Stuart to J. Neilson. He is very much occupied in Court and in consultation with General Procter, who is under Court Martial.

He has heard some curious Indian stories during the trial. One of the Captains of the Indian department, himself half a savage,



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told him that he had been informed by a chief of the Potawatomes that two old chiefs have gone to join "our father" at Burlington that they may be present, according to "our father's" promise at the treaty made with the Americans. They ask that the chiefs be directed to represent that if we persist in requiring the old French line we must have an eternal war as the Americans will never consent. But there is another line which would secure us and pass along the outskirts of the American settlements, which would be satisfactory.

Tecumseh, before he was killed, told his countrymen never to allow his son to obtain any influence in the public councils. He looked, he said, too much like a white man.

Mr. Stuart anticipates an honourable result from the court martial.

Trois-Rivières,  
Feb. 4, 1815.

P. Bedard to J. Neilson. The petitions regarding the Courts of Justice at Trois Rivières are being signed. He would accept office of agent if offered it, but has grave doubts as to his fitness on grounds of presentability and other grounds.

Trois-Rivières,  
Feb. 12, 1815.

P. Bedard to J. Neilson. Condemns a resolution of the Legislative Council respecting a warrant for the arrest of H. W. Ryland. If the Assembly did wrong in not notifying the Council before issuing the warrant, the Council acted much worse. Their action would indicate an intention to seize every opportunity to promote disorder. With one party predominating in one chamber and the other in the other, there is no chance of harmonious action. He is strong for moderation in the Assembly, and would like to see the Warrant cancelled, or if that cannot be secured, the House prorogued. Is busy with a scheme to lessen costs among French suitors by bringing parties together, and discovering the actual points on which evidence is required. Many cases are settled without witnesses at all. This does not apply to English commercial cases, where the course of procedure is determined.

Trois-Rivières,

P. Bedard to J. Neilson. Discusses the Ryland case at length. His conclusion is that having in his hands two incompatible offices, viz.: Legislative Councillor and Clerk of the Assembly his duty was to relinquish one of them. When Ryland declined to take orders from the Assembly without the consent of the Council, the Assembly should have demanded another official. He has no business to pose as master, and take at the same time a position as valet.

As for the agency he is in the hands of his friends.

Trois-Rivières,

P. Bedard to J. Neilson. Praises the Assembly for its course in the Ryland case, and regrets that Ryland was not made to give up the office of Clerk of the Crown. He is sorry for Stewart's treatment which he attributes to jealousy. A press is necessary, which will publish all that takes place in the Assembly, and take the Assembly beyond the influence of the gallery and of the charlatans.

Has heard of the accusation of Sir George Prevost by Sir James Yeo. Wishes peace were secured so that Sir George could go home with the glory of having saved the country.

Trois-Rivières,  
March 5, 1815.

P. Bedard to J. Neilson. They are getting up a polite address to the Governor there, which has been signed in the country round about. Mr. Cuthbert hears that they will not compensate the Governor for his services, and that he will not return, etc., etc. If so, it will be a bad sign for Canadian affairs.



## SESSIONAL PAPER No. 29b

Mr. Coffin says it is rumoured that it has been discovered that it was Mr. Sewell of Montreal who wrote against the Governor last summer in the *Montreal Gazette*. He hears that, at the departure of the Governor, many people accompanied him as far as Point Levis.

He is pleased with what Neilson says in the *Gazette* about the Governor. He was surprised to learn from Sir Gordon Drummond's proclamation, that the Governor's commission had been revoked.

St-Denis,  
April 5, 1815.

L. Bourdages to J. Neilson. Enquiring as to the cause of the precipitate departure of Sir George Prevost, and whether there is any hope of his returning. He notes with satisfaction the interesting matters dealt with in the Assembly, and hopes they may be carried into effect.

Asks that his election, unanimously, for Lotbinière, be noted in the *Gazette*, and, also, his thanks to the electors. When he sees Neilson, he will tell him of his defeat at Richelieu. Enquires for Bedard.

St. Denis,  
April 20, 1815.

L. Bourdages to J. Neilson. Wonders why Prevost's commission was recalled so harshly, and why he was kept in ignorance of the fact, at his departure from Quebec. Bourdages did not suppose his enemies could be so ungenerous. Already the papers begin to publish humiliating imputations. After the war is over, internal dissensions will break out again. Will there be a renewal of the reign of 1810? What can Canadians do to obtain justice, and have peace?

It is announced that Prince Edward is to be Viceroy of North America. If that is the case, there will be great changes. Will they be for the better or for the worse?

Quebec,  
March 8, 1815.

The Anglican Bishop of Quebec to Hon<sup>ble</sup> John Mure. Acknowledging the proceedings of the Canada Committee for Promoting the Education of the Poor. He has written to Sir George Prevost setting forth his reasons for declining to accede to the system proposed by that committee.

On the Steamboat,  
June 7, 1815.

T. Osgood to J. Neilson. Asks him to print his little periodical on the first week of each month. Gives directions as to the distribution of *The Visitor*. Suggests the importance of calling a meeting of the Committee of the Free School, to choose a committee of ladies to conduct a school or to arrange for opening a school for girls; and of looking into the question of allowing the schoolmasters of Indian Lorette and other country towns and parishes a few pounds annually on condition that they will educate a certain number of orphans and poor children. This would be gratifying to the Trustees in London.

Asks that the committee send a letter to some gentleman in Montreal, Kingston and York to prepare for his going to those places.

Quebec,  
May 9, 1815.

Report of a Meeting of the Canada Committee for Promoting the Education of the Poor. Among the matters decided, was to advertise for an Assistant Teacher.

Quebec,  
May 15, 1815.

Canada Committee for Promoting Education to Headquarters in London. Have drawn on the Head Office for £500.

Quebec,  
May 15, 1815.

J. Mure to John Inglis, etc. Respecting the proceedings of the Canada Committee for the Promotion of Education among the Poor. Regrets the Governor and the two Bishops will have nothing to do with the work. Notwithstanding this set-back they are pushing forward their scheme, and hope to convince public of its practicability.



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June 1<sup>st</sup> Mr. Johnson opened the school a few days ago with twenty-five scholars. A garrison school which takes all soldiers' children not attending the regimental schools, lessens the attendance at this school. The Committee have drawn on their correspondents for £500. They desire directions regarding Mr. Osgood, who seems to look for £200 a year if employed. They are sensible of his zeal and industry, but he is regarded suspiciously by Catholics and Episcopalians, many of whom declare that if he were not of the Committee, they would give every encouragement to the undertaking.

For himself, Mr. Mure, cannot but testify that Mr. Osgood's conduct so far as known to him has been that of an honest man.

Quebec,  
Nov. 22, 1815.

Robert R. Loring to Hon<sup>ble</sup> John Mure. Informing him, on behalf of the Governor, that His Excellency regrets that he cannot associate himself with the enterprise.

"In his Excellency's judgment, religion should be the basis of all education, and more especially of the instruction of the poor; and reflection and observation have alike convinced His Excellency, that the plan of bringing up children without an attachment to the principles of any particular church, will almost invariably issue in their possessing, when launched abroad in the world, little or no principle at all."

Trois-Rivières,  
Dec. 15, 1815.

P. Bedard to J. Neilson. Would be glad if Neilson would take for him another piece of ground between the Neilson and Stuart properties, so that he might be their neighbor, if he should return to Quebec. Mr. Stuart has written Bedard about the affair of the latter in the Court of Appeals. He has seen in the *Gazette* what took place in England as regards the Rules of Practice. When does the Chief Justice return and what about his affairs?

He is grateful for the part Neilson took regarding the case of Bedard in the Court of Appeals. He is rather indifferent as to the result. It is probable, from what Stuart writes, that the Judges of that Court (the Councillors) may persist in their idea of contempt, and that he will be obliged to go down to Quebec. It is important, in this case, to know whether the ancient laws of Canada regarding judgments, which are executed par provision (that is, notwithstanding the appeal and without prejudice thereto) have been abrogated; they have not been so expressly. That it is desirable to know if an ancient law can be found abrogated only because those who made the new laws did not think or had no idea of it to make an exception of it. This gives rise to many questions.

Quebec,  
Dec. 28, 1815.

At a meeting of the Canada Committee for the Promotion of Education among the Poor, a letter of credentials was prepared in favour of the Reverend Thaddeus Osgood, who was appointed to travel in the Eastern Townships and also in Upper Canada, to ascertain the wants of these parts with respect to education and to promote associations among the inhabitants for the purpose of supporting young men to be instructed at the Quebec Free School in the mode of teaching according to the British system, and also for establishing schools on the same model in their respective neighbourhoods.

1815 (?)

A draft of an undertaking to be entered into, by such officers, non-commissioned officers and men of the 3<sup>rd</sup> Battalion, as have been released from military duties, but who desire to maintain their fitness for active service, if such should be necessary.



## SESSIONAL PAPER No. 29b

Tp. of Ascot,  
Jany., 1816.

Moses Nichols and Abram Kronkrigh, notifying Mr. Neilson that at a meeting of the inhabitants of the Centre School district, in this township to consider the proposals of the Rev<sup>d</sup> Thaddeus Osgood relative to sending a young man to the Free School in Quebec, it was decided to select Levi Nichols for the purpose.

Enclosed herewith is a certificate signed by O. Barker and Gilbert Hyatt, Justice of the Peace, as to the character of Mr. Nichols, and his fitness for the selection.

Trois-Rivières,  
January, 1816.

P. Bedard to J. Neilson. Regarding the proceedings in the Court of Appeals, on which he has some information from Neilson and Stuart, but desires more. He had supposed that the question was whether the ancient laws respecting *Executions provisoires* had been abrogated. This question does not seem to have been considered.

The important question in Bedard's view was mentioned en passant, and as taken for granted as settled. "Appeals are universally suspensory, the ancient laws having been repealed. The Code Civil a dead letter rule of practice which has gone by in consequence of change of constitution of Courts." "Legislation would do well to make provision in like cases," which shows that this law is indispensable in the country, and that the Court had an idea of it. How can it happen that such a law is found to be abrogated, without any person having thought of abrogating it.

It is most desirable that there should be exact reports of the cases in the Court of Appeals.

Montreal,  
Feb. 8, 1816.

Thaddeus Osgood to J. Neilson. Is about to set out for Kingston. Has visited Drummondville, Shipton, Ascot, Eaton, Compton, Stanstead, Hatley, Bolton, Stukeley, Brome, Dunham and the seigniory of St. Armand. In each place, he laid the object of his visit before a considerable number of people; and in several cases they expressed a determination to embrace the offer of the Quebec Committee.

He hopes representations may be made to Mr. Richardson, Mr. Papineau, Mr. McCord and other members from Montreal with a view to securing a committee for that place, or to enlarging the present committee by adding to it one or more clergymen of each denomination with an equal number of laymen. This would have the effect of allaying prejudices against the scheme.

Reminds Neilson of proposition made the spring before of the propriety of a petition to the Legislature, praying for the erection of a school in Montreal and Quebec for the free instruction of all the destitute children in both places who would be disposed to take advantage of the opportunity.

Trois-Rivières,  
Feb. 29, 1816.

P. Bedard to J. Neilson. An article in the *Montreal Herald* gives what purports to be the Rules of Practice in the Court of Trois-Rivières. Owing to the perversity of the clerks in the Court, temporary orders have been mingled with the Rules, and all have been printed together. For the used of the Assembly he gives a copy of the Rules as he would have them printed.

Trois-Rivières,  
March 12, 1816.

P. Bedard to J. Neilson. From the meagre accounts of the debates, in the *Spectateur*, it would seem that party spirit between Quebec and Montreal is being strengthened. The publication of the debates indicates that such is the case.

He agrees with Neilson as regards ameliorations. He would rather employ the money in increasing the salaries of those in office. He



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would fatten them up (*les bien engraisser*) to make them less independent of the Assembly, for the Assembly will never amount to anything until they need it.

If a division crops up (in the party), each section working for its own ends, it will scarcely be in a position to profit from favouring circumstances. Is it true that Lee has made a sally on the clergy? If so he has done stupidly and should do his best to undo his error.

Do the citizens of Lower Town still exercise influence over the Assembly? and are they still made use of to manage it?

He would like Neilson's personal opinion on the question of the Rules of Practice, and the observations Bedard made upon them.

Trois-Rivières,  
March 24, 1815.

P. Bedard to J. Neilson. It seems certain that Chief Justice Sewell is to return in the Spring. He understands that the Administrator, who is said to be an excellent man has been advised by the judges, or by the Council at the head of which are the judges, to dissolve parliament. He heard Mr. Monk and Mr. Ker speaking on the subject. It is a pity to have people such as that assisting the Governor with legislation. They are of good faith, but their knowledge is limited, on such matters.

The elections commence here on Tuesday next, and on Wednesday in the county. Messrs. Wagner, Vezina, and Ogden are the three candidates in the town, Messrs. Guky, Leblanc and other are running in the county.

Quebec,  
April 15, 1816.

J. Neilson to Thomas McCord. At the desire of the Canada Committee for Promoting the Education of the Poor, he is sending such parts of its proceedings as may be useful to the gentlemen of Montreal in forming a similar institution in that city. The Committee in Quebec has drawn on the London Committee for £500, out of the subscription in England which amounts to about £1,700.

York,  
April 16, 1816.

Dr. John Strachan to Mr. Neilson. As an act has been passed for the establishment of common schools in Upper Canada, he desires a supply of British school books.

Trois-Rivières,  
April 25, 1816.

P. Bedard to J. Neilson. He hears the judges are to receive £150 increase salary, but cannot find out if he is to be included among those receiving the increase.

They say the Chief Justice will be here in the Spring, and happy. It seems to him an indication of the way Canadian affairs are regarded in England, and of the line of conduct which will be pursued. It is said that the Governor of Halifax, an excellent man, but a soldier, is to be Governor here. He fears more and more that they have succeeded in making them in England believe that General Craig's military administration is the best.

They regard here the libel, for which Mr. Sherwood has been prosecuted as a serious charge against the Prince Regent and the Government of England. If so, the majority in the Assembly should clear their skirts by dissociating themselves from him.

He speaks highly of the Attorney General, who has more real knowledge and merit "*que tous nos petits rusés de praticiens.*"

Quebec,  
May 9, 1816.

J. F. Perreault to J. Neilson. Acknowledging the notice that he had been made a member of the Canada Committee for the Promotion of Free Education, and expressing regret that his want of time will prevent his acceptance of the position.

Quebec,  
May 15, 1815.

M. D. Dostie to J. Neilson. Applying for the position of Assistant Master, for the Free School at Quebec.



## SESSIONAL PAPER No. 29b

- Trois-Rivières,  
May 18, 1816.
- July 14, 1816.
- 1816.
- Quebec,  
July 30, 1816.
- York,  
Aug. 20, 1816.
- Lot 56,  
Bay of Fortune,  
P.E.I., Oct. 1, 1816
- Charlottetown,  
Oct. 1, 1816.
- Fort Erie,  
Nov. 5, 1816.
- York,  
Nov. 30, 1816.
- Head quarters,  
Quebec,  
Feb. 22, 1817.
- Quebec,  
1817.
- Trois-Rivières,  
June 26, 1817.
- P. Bedard to J. Neilson. Fears he will not get a Quebec judgeship, on account of the ill-will of the judges in Quebec, who would be consulted. He does not defer to them sufficiently, and cannot do so and preserve his self respect.
- P. Bedard to J. Neilson. He arrived last evening from the Circuit. He learned on the way that the Chief Justice had arrived, and had had a salute of 20 guns from the grand battery. He is not worried by that sort of *réparation d'honneur* to the Chief Justice, but he fears that it will irritate party spirit and be taken as a humiliation for the Assembly, and he fears still more that in England they will come to regard the Assembly unfavourably and to believe that the administration of General Craig is the one which suits best. He cannot agree with Neilson entirely in the fault he finds with the Assembly.
- L. J. Papineau to J. Neilson. Condemns what he calls the insolent perversity of the Montreal *Herald*. On the 13<sup>th</sup>, the editor took occasion of a stolen letter written by Mr. Sherwood, and which in Papineau's opinion is entirely honourable to him, to grossly insult Sherwood. He asks Neilson to disavow certain statements in the article attributed to him, which Sherwood declares to be entirely false.
- A. W. Cochran to J. Neilson. The Governor has no objection to Mr. Neilson's visiting England for a few months.
- W. Kimble to J. Neilson. He has been appointed King's Printer, and requests Mr. Neilson to give him a schedule of prices; and a few plates of arms.
- A draft of Mr. Neilson's answer accompanies this letter.
- Edward Abell to the Misses Finlay. Furnishing information respecting Lot 55 which belonged to the Hon<sup>ble</sup> Hugh Finlay. He himself has lived on Lot 56 as agent for Lord James Townshend, the present proprietor.
- Copy of a Proclamation of the Lieutenant Governor to the Proprietors of land in the Island respecting a change in the rate of Quit Rent.
- Wm. Stanton to Wm. Cowan. Respecting items of information regarding the Civil and Naval forces in Upper Canada, for the Quebec *Gazette*.
- R. C. Horne to J. Neilson. Has been recently appointed editor of the York Gazette, asks for certain information respecting the business.
- Lt. Col. Harvey, D.A.G. General Order.
- The reward of £5 for the apprehension of deserters, does not apply to the Fencible Infantry lately disbanded, or to the Foreign Corps, lately serving in the Provinces, but now disbanded.
- Report of a Committee to take into consideration the reference of the Governor of the 6<sup>th</sup> June, relating to the fees to be allowed to the officers of the Quarter Sessions.
- P. Bedard to J. Neilson. Expressing satisfaction at Neilson's consenting to run for Charlesbourg. It was Bedard's idea that when Neilson's son returned from Europe, the father would devote himself entirely to public affairs. No greater compliment could be paid to Neilson than to regard him as the Candidate of the Canadians, not because the Canadians count more than others, but be-



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cause it shows the good opinion of the Canadians towards him and they think no one is better than a Canadian. He has no doubt of Neilson's success, and he is annoyed that Mr. Lee, whom he would like to see in the House, has again to fight fruitlessly in this election. He has, like Neilson, a hope of seeing the distinction between the English and the Canadians effaced little by little. He reminds Neilson that they two used to agree that if they could have in the Assembly a body of Englishmen free from party spirit they would break down the partisans. Mr. Andrew Stuart would appear to be in a large measure regarded as a Canadian.

Mentions some things wanting to be done in the Assembly.

Quebec,  
July 11, 1817.

J. Neilson to Captain Jobin, Charlesbourg. Announcing his candidature for Charlesbourg, the election for which takes place on the 25<sup>th</sup> July.

If he is elected, he would wish to have had the habitants of the country district for him. For nearly twenty years he has spent his summers among them with his family, on his property of St. Foy, and he has learned to know and appreciate them. Living honestly by their work, they neither wish nor will ask for anything but what is just and for the good of the country, and he would be proud to be the interpreter of their sentiments and to defend their rights.

As there may be many electors to whom he is not known, he asks Captain Jobin to tell them to inquire about him from persons whom they have always known as honest and of a good character; for he did not desire the vote of any person who did not believe him capable of rendering service to the county and to the country. It is the confidence of the electors, which alone can sustain him in a charge often difficult and always burdensome, in which he wishes to acquit himself faithfully.

Montreal,  
July 19, 1817.

Tariff allowed to the officers of the Quarter Sessions of the district of Montreal.

Charlesbourg,  
July 25, 1817.

J. Planté and other electors of the county of Quebec to J. A. Routhillier, Returning Officer. Demanding he shall put a stop to the disorder which existed at the election; and permit the votes to be polled freely.

Quebec,  
July 27, 1817.

J. Neilson to Joseph Jones and four others.

"In the present state of the election, I think if a few of the respectable British inhabitants were to vote for me, it would have a good effect. If you or any of your friends were so disposed, I should be extremely happy to see you in the hustings to-morrow forenoon."

Trois-Rivières,  
Aug. 3, 1817.

P. Bedard to J. Neilson. He notices in the *Quebec Gazette* that Neilson had retired and he had been told that corruption was practised in the most shameful manner, and most openly. He thought that that was the sort of contest to which Neilson made allusion. The Assembly has been indulgent in the past, and he hopes this incident will do good.

He adds in a postscript that Neilson's withdrawal is one of those that does more honour to a general than the gaining of a battle.

Trois-Rivières,  
Aug. 24, 1817.

P. Bedard to J. Neilson. Thanks for the details of the election for Quebec County. Mr. Lee has been nicely caught. If no person but him were concerned, Bedard would not pity him. Neilson did well not to mix himself up with Lee in the case against McCallum. The ignorance and corruption of the electors distress Bedard. He had begun a pamphlet on the subject, but has not finished it.



## SESSIONAL PAPER No. 29b

He has heard that the *Canadien* was again on its feet. He thinks it may be the *Vrai Canadien*, masquerading under the name of *Canadien*. If so, his pleasure will fade away.

A *Trois Rivières Gazette* has been established at the instance of Mr. Viger, who has dropped the *Spectateur*, which had fallen into the hands of a man under the influence of some Montreal merchants. Bedard does not know the principles of the new paper. He has heard that Mr. Ogden is supporting it.

August, 1817.

Information as to corruption in the election of Quebec (in the handwriting of Jean Belanger).

Trois-Rivières,  
Oct. 15, 1817.

P. Bedard to J. Neilson. He is anxious for news about the Foucher affair. Somebody was saying at Trois Rivières that everyone was wrong with regard to this affair,—Assembly, Council and Governor, and that all the procedures were wrong. It is also said that the Governor is going to give up his situation, and return to England in the spring. That would be too bad, from what he can hear. It may be he is the only man who can govern the country, but perhaps he lacks the patience. The outlook is not clear. He fears that they may fall again under some Craig.

Charlottetown,  
Nov. 15, 1817.

Charles Binns to J. Neilson. Respecting the interests of the Finlay Estate in lot 55, Prince Edward Island.

Trois-Rivières,  
Dec. 7, 1817.

P. Bedard to J. Neilson. Regarding the Foucher matter, it is thought there that the case has been referred to the Council. He had always supposed that it was to the Legislative Council, but he has never heard. It would be comical, if the Executive Council had pretensions to try the affair, and he supposes there is no question of it. If the Legislative Council has not the power to administer the oath, the Executive Council has still less. But this is not, in Bedard's opinion, the important question. The real question is whether, under the constitution as it is, it belongs to the Legislative Council to take cognizance of such a case. If the Legislative Council has the right, according to the constitution to deal with charges brought by the Assembly, as the House of Lords has with reference to charges brought by the House of Commons, the Council will have the power to administer oaths and to do whatever else is necessary in the exercise of its jurisdiction. The case is the same if it has acquired jurisdiction independently of the constitution. But he does not see how this power could be acquired except by an Act of Parliament, once the constitution has been fixed by an Act of Parliament.

The King might grant a commission, in which the Councillors might be named as Commissioners, but this would not be a reference to Council, and the Commissioners could decide only by the intervention of a jury. The matter might be looked at from another stand point. Judges' commissions are *during pleasure*. They may be dismissed with or without reasons given; and the King may in the case of complaints against a judge, place the examination of them in what hands he pleases and make his decision depend on the result of the enquiry. Then there would be no question of administering oaths, or of a jury. If in looking into the matter, those in England were of opinion that, under the constitution, the Legislative Council had powers in this regard, analagous to those of the House of Lords, the case will have been sent to the Council as of right. If, on the contrary, the opinion is that the Council has no such



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Trois-Rivières,  
Dec. 20, 1817.

power, the charges will have been referred to the Council, as already said, to obtain the decision of the King on the Commission.

P. Bedard to J. Neilson. In the *Trois Rivières Gazette* of the 23<sup>rd</sup> of the month. there is a reflexion against him (Bedard). In speaking of the Hart case it says that Mr. Hart was twice elected to the Assembly, but was expelled therefrom "by a faction, headed by a noted character who, after having remained twelve months in durance vile, and undergone what was supposed a thorough purgation obtained a ten pound J.....n (Jurisdiction)."

He thought of bringing action against the author of the article, and setting forth the circumstances of his appointment, as a recognition of error in imprisoning him. If the Government did not assent he would resign.

Trois-Rivières,  
1818.

P. Bedard to J. Neilson. He thinks the Assembly in its discussion of the question of wood, is on the wrong tack. He has written a communication, in an attempt to set it right. If Neilson thinks well, he may use it.

Trois-Rivières,  
Jan. 8, 1818.

P. Bedard to J. Neilson. Asks Neilson to let him have his views on the article against him in the *Trois Rivières Gazette*. He has written to Stuart on the subject.

County of Quebec,  
Jan. 13, 1818.

Draft of a petition to the House of Assembly, Lower Canada, against the return of James McCallum as a member for the county of Quebec, on the grounds of corruption, undue influence and violence, and for the issue of a writ for a new election.

Trois-Rivières,  
Jan. 14, 1818.

P. Bedard to J. Neilson. Mentions Neilson's battle against corruption in his constituency. Thanks Neilson and Stuart for trouble taken over libel case. Regrets the Governor is obliged to leave on account of ill-health. The information he has had of the Governor makes him think well of him. Sympathizes with Blanchet and Lee for their absence from the House on this occasion. Discussing the Foucher case in its constitutional aspects, he concludes the King in approving the Act of 1791 to have remitted to the nation the particular powers exercised by him over the country by virtue of the conquest, and not to have reserved any powers except those which he has over all parts of the Empire. We have now our lords and commons on this side of the ocean, because those in England are too distant for our convenience. If we accept it that our council and assembly take the place exactly of the Lords and Commons, then all goes smoothly. If we take the other view, one can know nothing of our constitution, nor of the division of the powers which is necessary for the government of the country—all becomes chaos. We would have to look to England for necessary instructions, and again to get the proper sense of the communications they make to us, interpretations would never end. Our poor constitution would appear an inextricable confusion.

We have all we need, and we must find here all the powers we require to exercise justice.

Here is an accusation, and it should be judged according to the law as it is made, and not according to the arbitrary ideas of commissions, and to forms subject to changes every day. If the Council is not well formed today, it will be in the future. Bedard would not perhaps care to appear before the present Council to answer a charge, but he would be content to be tried before the Council of fifty years hence.



## SESSIONAL PAPER No. 29b

Quebec,  
House of Assembly,  
Jan. 19, 1818.

Jasper Brewer to J. Neilson. Submitting certain questions to be answered by Mr. Neilson, in connection with amendments to be made in the Election law.

Quebec,  
Jan. 21, 1818.

A tender from J. B. Leroux dit Cardinal, and François Chartier for the repair of the Scott bridge.

Quebec,  
Jan. 24, 1818.

Memorandum prepared by Judge Fletcher containing his views as to the amendments required in the Election law.

Trois-Rivières,  
Jan. 25, 1818.

P. Bedard to J. Neilson. The Court is sitting. They are governed by the Rules of Practice of Quebec. They cite only the Court of Appeals. The danger is of seeing judgments reversed, if such or such an interpretation is not given to the Rules, or if one does not proceed in such or such a manner, and the Court of Appeals is the Chief Justice. One must be at the discretion of the judges of Quebec, for they alone know the interpretation given in Quebec to the Rules, and the modes of decision of the Court of Appeals. This is one of the great inconveniences resulting from rules of practice being made by judges, that all becomes the personal affair of those who have made them.

He asks that Mr. Stuart be induced to propose something in the Assembly on the question of the Courts of Justice.

Quebec,  
Jan. 28, 1818.

Draft of a letter from John Neilson, containing his ideas as to the amendments required in the Election Act of Lower Canada.

Trois-Rivières,  
Feb. 4, 1818.

P. Bedard to J. Neilson. He asks for information as to the proceedings of the Assembly, particularly with respect to the Civil List. He wishes to know whether those who are dealing with the subject, propose to establish a list in which is mentioned the amount allowed to each officer of Government. He remembers to have seen such a list in the Journals of the Assembly of New York before the revolution. The list took this form:—

Resolved that there be allowed to the Governor  
General from the 1<sup>st</sup> Nov., 1817, until the  
1<sup>st</sup> Nov., 1818... .. So much.

Resolved that there be allowed to the Chief Justice  
of the Province as salary from the 1<sup>st</sup> Nov., 1817,  
until the 1<sup>st</sup> Nov., 1818... .. So much.

And so on.

Thus arranged the Assembly passes a bill for the amount for one year, he thinks.

The journal belonged to James Stuart.

It is important that the Assembly should take the same course. The parasites of the Government will stick to it as close as ever. The whole thing will be sent to the Assembly en bloc. It would not be worth while refusing nor risking the ill-will of the Government for a few hundred Louis a year. People would look to the Governor for everything and to the Assembly for nothing; they would pay much more and be no more respected. There would be the same partiality to the party opposing the Canadians. The Chamber would continue to feed the people who despise it. He does not intend to say that it is the Assembly which makes the nominations, nor fixes the salaries, but there will be a great difference in the effect, if they adopt the method of setting it all forth in detail.

He sees in the debates a speech by Mr. Guty on the question of roads in the Townships. "Is it possible that the Chamber will not see the absurdity of the cowardice of employing the funds of the



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Province in having roads made for these Yankees, and afterwards having the roads kept in repair with large sums of money. These people go and buy lands at about thirty leagues from the settled districts, where the prices are low, and then the province must use its funds to give value to these lands, to quadruple the value and perhaps to increase it tenfold."

They say it is proposed to make some changes in the organization of the Courts, that they are going to introduce trial by jury in civil cases.

Charlottetown,  
Feb. 9, 1818.

Lemuel Cambridge to J. Neilson. Giving him information respecting lot 55, which was part of the Finlay estate. The letter is interesting as showing the action taken against non-resident proprietors.

Trois-Rivières,  
Feb. 18, 1818.

P. Bedard to J. Neilson. He tells of a calumny published against him in the *Trois Rivières Gazette*, and of a disagreement he had with Judge Bowen, and with two other persons. The matters were of no public importance, but they strengthened the conviction entertained that he was out of favour with the Government, and might have to resign. He believes it is impossible for a man who is not a *dévoué* to hold a government office, and he cannot be a *dévoué*.

Quebec,  
Feb. 21, 1818.

J. Neilson's address to the electors of the County (draft). "The last election having been declared void by reason of the corruption and violence which prevailed, you will be called upon in a short time to renew your choice.

"I beg you to consult among yourselves, and to see what you have to do. If you deem me worthy of your confidence, I would be glad to continue the offer I made to you of my services at the time of the last election; but you must come to vote the first day, at your own charges without expectation of being paid or treated. I desire to be elected only by those whom I can esteem or respect, and not by people, who would engage at so much a day to come and vote for me or for any other person who would pay them as much or more. I wish, in fine, to have supporting me, only peaceable and honest citizens as were our friends, who appeared at Charlesbourg; and if there be any disorder or corruption, I will again take it on myself to provide a remedy.

"If you find any other person whom you believe more worthy than I am of your confidence, tell me so frankly. I would be one of the first to vote for him."

Trois-Rivières,  
Feb. 27, 1818.

P. Bedard to J. Neilson. "The offer you make to me to take your place, a place which belongs to you so much for the trouble it has cost you, appears to me an excess of generosity. I would not take that place for all the gold in the world. Nobody but you deserves to fill it after having defended it as you have done and having given to the country so good a precedent. I felicitate you, and for my part thank you."

He has just seen Stuart, who is not pleased with the Assembly. Viger and the *Montrealistes* carry everything before them. It is the same old Patelinage. The Assembly is sensitive to nothing but the influence which surrounds it, which is set in motion from without by the Vigerian practices.

The only remedy he can see for it all is in a good press, which brings all into the light of day, and which forces the Assembly on a stage, of which the province is audience, and which will subject



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the surroundings of the Chamber and the Montrealistes themselves to the general influence.

Neilson, from what Bedard can hear, unites all parties in praise and support of him.

Charlesbourg,  
March, 27, 1818.

Memorandum by J. Neilson in French on the state of the poll during the election in the county of Quebec.

Quebec,  
March 28, 1818.

Indenture signed by Pierre Fauché, Ambroise Trudelle, Jean Trudelle, L. Pierre Seguin, certifying the election of John Neilson as member of the Assembly for the county of Quebec.

Berthier,  
April 4, 1818.

James Cuthbert to J. Neilson. Congratulations on his election.

Trois-Rivières,  
April 11, 1818.

P. Bedard to J. Neilson. Congratulations on election. His pleasure in seeing Stuart and Neilson together in the Assembly. Stuart dislikes the composition of the Assembly.

The question of most urgency, and which occupies Stuart's attention most, is the Courts. His plan is to have but one court of first instance, at Quebec, and circuits in all the other parts of the province. This system would be the best, as it would bring together all the knowledge in one point, and bring about uniformity throughout the province. This is the system in England. But it is surrounded by serious difficulties. All the judges and lawyers in Montreal would be removed to Quebec, which would be opposed by the whole district of Montreal.

Trois-Rivières,  
April 19, 1818.

P. Bedard to J. Neilson. He has trouble with the Bar. The lawyers have had a meeting regarding him, and have resolved to prosecute him before the Assembly, and in the meantime have determine not to attend his bar again. They are the only witnesses, even the clerk of the court is against him. What defense can he make? If the charge is what he thinks it is—for words used in court—it is false. But his only hope is in their contradictions. If he can bring out the truth by that means, it will be seen what his accusers are. But in one way or another, that is what is going to put an end to his misery here.

Kingston,  
April 22, 1818.

Robt. Stanton, secretary of the Midland District School Society. Asking for information respecting the funds at the disposition of the Canada School Committee, and whether the school at Kingston might be a beneficiary from this fund.

The school at Kingston was opened on the 16<sup>th</sup> November, 1817, under the superintendence of Robt. Johnston.

Quebec,  
May 5, 1818.

The number of ploughs regularly entered for the ploughing match this day, under the auspices of the Quebec Agricultural Society.

Quebec,  
May 5, 1818.

List of competitors in the ploughing match to be held on the 21<sup>st</sup> October under the auspices of the Agricultural Society.

Three Rivers,  
May 18, 1818.

L. Guky to J. Neilson. Stating that an Agricultural Society was being formed in the Three Rivers district, and asking for information respecting the society in Quebec.

June 30, 1818.

G. Vanfelson to J. Neilson. Suggesting the calling of a meeting of the citizens of Quebec to draft an address to the Governor-in-Chief on the occasion of his departure.

Trois-Rivières,  
Oct. 25, 1818.

P. Bedard to J. Neilson. Chief Justice Sewell has been very civil and has offered his services in composing Bedard's difficulties with the Bar. Bedard declined his help, as he feared that to accept it would lower him in the eyes of the Bar.



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Montreal,  
Dec. 12, 1818.

H. H. Cunningham to J. Neilson. He is about to open a library and reading room in Montreal, and desires a more expeditious transmission of the *Gazette*; and other matters.

1818.

Trois-Rivières,  
Jan. 3, 1819.

List of proposed foremen, deputies and watchmen.

P. Bedard to J. Neilson. Respecting a reprint in the *Gazette* of a communication addressed to the *Montreal Gazette* in 1810 relative to the political situation at that time. Mr. Brown, who refused to print it in 1810, though it was said to come from so high a source that his refusal was a great risk, receives Bedard's commendation.

*Le Canadien* attributed the article, without sufficient evidence, to Judge DeBonne. Bedard regrets Mr. Ogden could not be made to say from whom he received the communication, in order that the source of it might be ascertained.

Quebec,  
Jan. 19, 1819.

A general letter from J. Neilson, late secretary of the Canada Committee of the Society for the Education of the Poor, introducing the Reverend Thaddeus Osgood.

Trois-Rivières,  
Jan. 20, 1819.

P. Bedard to J. Neilson. Personal and business matters. The communication of 1810 which appeared in the *Montreal Gazette* begins to awaken his interest. One of the judges in their chambers asked him about its origin. Bedard declared he did not know, but it was a pity Mr. Ogden was not there to continue the history of the article back to its source. Bedard fancied from the judge's reply that he desire to discourage a prosecution in the case, and Bedard began to feel a strong desire to push the matter.

He had commenced something on the Jesuits' Estates, but on consideration decided not to go on with it. Judges must give their opinions to the Sovereign when asked for it, and he does not see why they should be prevented from giving their views on public matters.

Trois-Rivières,  
Jan. 31, 1819.

P. Bedard to J. Neilson. Unsatisfactory conditions in the court at Trois Rivières. A second judge wanted; also, more terms. The judge at Trois Rivières regarded as of lower status than the judges of other courts.

Mr. Ogden got a bill passed through the Assembly for a second judge, but owing to an informality in its introduction, it was thrown out in Council.

Trois-Rivières,  
May 1, 1819.

P. Bedard to J. Neilson. Discussing the handling of the charges against him in the Assembly. He complains that the Assembly did not put the question of the sufficiency of the facts of the accusation before the inquiry, and that Mr. Ogden was permitted as Bedard understood, to prove matters not mentioned in the accusation. His Grace's speech reminds him of ancient times. At the close of a session as at a last judgment, the good were separated from the bad and each received the sentence he deserved. The members have received a lesson to master before the beginning of next session. "It is of the first importance that you should understand your constitutional rights." But the address was a good one, without rancour or intention to wound. He discusses speculatively the relations of the Assembly to public expenditure. Neilson's reasoning that he who gives in the manner he wishes is true, but Bedard reminds him that the right of giving is regulated by precedent.

Montreal,  
May 5, 1819.

H. H. Cunningham to J. Neilson. Respecting supplies for the library and reading room in Montreal.

St. John N. B.,  
May 16, 1818.

J. B. Palmer to J. Neilson. Respecting the interests of the Misses Finlay in lot 55, Prince Edward Island. A very interesting discus-



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Montreal,  
May 18, 1819.

sion of questions connected with forfeiture owing to non-fulfilment of conditions of grant.

L. J. Papineau to J. Neilson. Some few persons affect to believe that the Legislative Council cannot conscientiously concur with the Assembly in passing an appropriation bill to furnish the expenses of the Civil List, taking the ground that the Assembly was wrong to vote the necessary amount to each individual by name, instead of voting the amounts separately to each public official. As these noisy people are either of bad faith or in error, it would be well to remove the pretext for their loud talk. He would like to see the Bill printed in full.

July, 1819.

Instructions for the Members of the Committee of the Agricultural Society, who shall take part in the county exhibitions.

Ste Anne,  
July 4, 1819.

Charles F. Painchaud to Joseph Planté, President of the Quebec Agricultural Society. Giving a list of the competitors at a show.

Trois-Rivières,  
July 20, 1819.

P. Bedard to J. Neilson. Expressing his mortification at the outcome of the inquiry before the Committee of the Assembly. Although he has been cleared of the charges, he has been covered with ridicule by the manner in which the enquiry was carried on.

In the course of some vigorous observations, he says "There is no greater tyrant in the world than an Assembly, because everything must yield to it, guilty or not guilty."

Trois-Rivières,  
July 27, 1819.

P. Bedard to J. Neilson. He is determined to demand that the inquiry in the Assembly respecting the charges against him be prolonged to give him a chance to bring out his side of the case.

Trois-Rivières,  
Aug. 5, 1819.

P. Bedard to J. Neilson. Regrets Neilson's displeasure at his criticism of the Committee of which Neilson was a member. He believes that a case of that sort can never be satisfactorily dealt with by a committee.

Rosebank,  
Aug. 5, 1819.

J. Greenshields to J. Neilson. Respecting the selection of a successor to the late Dr. Spark as pastor of St. Andrews Church, Quebec.

Glasgow,  
Aug. 9, 1819.

J. Mure and J. Greenshields to D. Munro and John Neilson. With reference to the request of the patentees, elders, etc., of St. Andrews Church, Quebec, that they should select and engage a pastor in succession to the late Dr. Spark.

York,  
Sept. 20, 1819.

Dr. John Strachan to J. Neilson. Stating that it is necessary to prove the publication of a pamphlet printed by Neilson, in a case between Lieut.-Governor Gore and Justice Thorpe, and asking Neilson to make a sworn statement of the facts.

Quebec,  
Oct. 12, 1819.

A draft of a circular letter addressed by some of the subscribers of the Loyal and Patriotic Society to the Directors asking them to take steps to account for the monies in their hands.

Halifax,  
Oct. 15, 1819.

A. H. Holland to J. Neilson. Respecting the securing of subscriptions for the publication of the Letters of Agricola.

York,  
Dec. 28, 1819.

George Dawson to J. Neilson (two letters). Respecting subscriptions for the *Christian Recorder*.

1819.

Return of baptisms, marriages and burials for the district of Trois Rivières for 1819.

Port Hope,  
Jan. 17, 1820.

Rich<sup>d</sup> J. Moffatt to J. Neilson. He is engaged preparing a book to be published in England entitled "Canada, the last Hope of England"; and discusses the sale of the work in Canada.

Quebec,  
Jan. 19, 1820.

J. Neilson to A. F. Holland. Respecting subscriptions for the Letters of Agricola. They think of having the work translated into French.



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There is general satisfaction at the arrival of the Earl of Dalhousie, on account of his well-known zeal for agriculture and for everything affecting the prosperity of the people.

Rosebank,  
Feb. 24, 1820.

J. Greenshields to J. Neilson. Stating that an agreement has been made with the Reverend James Harkness, by which he will assume the pastorate of St. Andrew's Church, Quebec; and discussing several matters in connection with the charge.

York,  
March 13, 1820.

Dr. J. Strachan and Dr. R. C. Horne to J. Neilson. The second volume of the *Christian Recorder* will be begun in April. The first volume did not pay, hence the price is to be raised to \$3 a year, and the agents' commission reduced to 10 per cent. Any profits arising are to be devoted to religious purposes.

Rosebank,  
April 5, 1820.

J. Greenshields to J. Neilson. Has sent a long letter to Mr. Neilson by the Rev<sup>d</sup> Mr. Harkness, and is now only enclosing a newspaper giving an account of some Radical disturbances in the district.

Port Hope,  
April 12, 1820.

Rich<sup>d</sup> J. Moffatt to J. Neilson. Mr. Fothergill wishes to have the names of the subscribers to his book "Canada, the last Hope of England."

1820.

Report of the members of the managing committee of the Quebec Agricultural Society, who took part at the exhibition of Buckinghamshire, St. Croix, 7<sup>th</sup> August, 1820.

Friday morning,  
1820 (probably).

L. Moquin to J. Neilson. Respecting the course of the elections in Lower Canada.

Thursday morning,  
1820 (probably).

L. Moquin to J. Neilson. Respecting the course of the elections in Lower Canada.

June 15, 1820.

John Neilson to Dr. Blanchet (draft). Returning a writing which Blanchet had entrusted to him, and declaring his fixed determination to have nothing to do with the elections of the town. He regrets the divisions taking place among those who should have a common point of view, and hopes that there will be as little heat aroused as possible.

Trois-Rivières,  
July 1, 1820.

P. Bedard to John Neilson. Is pleased at Neilson's election over a candidate, who employed corrupt means. But is disappointed at other elections in the town of Quebec. If Mr. Stuart had not abandoned Lower town, the result would have been different.

"Here (that is at Three Rivers) the election took place yesterday. Mr. Ogden and Mr. Badeaux were elected by the men and women of Trois Rivières. For you must know that here the women vote like the men, indifferently. It is only in the case where the women are married and the husband living that it is he who votes as head of the common family. When the husband has no property and the wife has, it is the wife who votes. The case presented itself yesterday. I have at present a servant, called Michel, who bought a property on the Commons a year or two ago, and built upon it. The friends of his wife had made him understand that it was the fashion now to have the contract made out in the name of the wife, and that it was safer. Consequently Michel had the contract made out in the name of his wife. He went to vote yesterday. They asked that he should be sworn, and he declared that the property was in the name of his wife, and thereupon the wife was sent for, and she voted for Mr. Ogden and Mr. Ranvoise the defeated candidate."

Quebec,  
July 24, 1820.

Colonel J. Ready to D. Sutherland. (Copy.) Returning Mr. Griffin's letter and attached memorial.



## SESSIONAL PAPER No. 29b

The Government has been placed in an embarrassing position by the refusal of the Assembly, when called together, to make provision for the Agricultural Society and for other objects of a domestic nature, which were strongly recommended to their attention.

Whatever inconvenience may arise from the Government being without funds for these objects is attributable to the action of the Assembly. The Governor has these important matters under consideration, and whenever anything useful may be communicated to Mr. Griffin, no time will be lost in doing so.

Trois-Rivières,  
Aug. 23, 1820.

P. Bedard to J. Neilson. He is glad Neilson is more and more pleased with the *habitants*, and suspects he will soon be a warm patriot, as regards the *habitants* and the interests of the country; and will be happy in following his inclinations and occupying himself therewith for the rest of his days.

He saw the Governor at a levée for a few minutes and was favourably impressed. The Governor seems a kindly man, simple in his manners. He was telling some person that he wished to visit the country and know the people as far as possible. He did well at Halifax, and it is to be hoped he will do well at Quebec, so that he will not leave the impression that the Canadians are difficult to govern.

Trois-Rivières,  
Sept. 8, 1820.

L. Duvernay to J. Neilson. Discusses his personal affairs. The *Journal Ecclesiastique* promises well. The *Gazette* does little, and would not go at all if it were not for the advertisements.

Montreal,  
Sept. 10, 1823.

H. Heney to J. Neilson. He notices that Neilson has published a list of the members of the eleventh Provincial Parliament. He cannot remember that they have had the tenth Parliament. Indeed there was no Act passed at the last meeting of Parliament, and consequently there was no session, and as that session was the first of the tenth Parliament, there was consequently no Parliament. That was perhaps what urged the Council so much, to have their little Bill passed respecting bastards or insane, which almost cost the Gentleman Usher of the Black Rod his nose.

If Neilson agrees with him, would it not be well to notice the fact in the *Gazette*? If his idea is correct, the Assembly will have the tenth Parliament, while the Council which does not retreat, will have got along to the eleventh. Another reason for his view is that when they met the first session of the tenth Parliament, they declared themselves incompetent to sit.

Montreal,  
Sept. 24, 1820.

H. Heney to J. Neilson. Further argument in support of his point that the parliament about to meet is the tenth and not the eleventh, as Neilson contends.

Quebec,  
Oct. 20, 1820.

Lord Dalhousie to Agricultural Society. Thanks them for their address. While deprecating any undue expectations from his assistance, he assures them that they may confidently depend upon all the support he can give to the objects the Society have in view.

Nov. 24, 1820.

A long letter to *Le Canadien* in French, signed Q..... V..... in J. Neilson's hand writing on the calling of Parliament. He runs over the course of events, which prevented a session, the year before, and urges prompt attendance in view of very important business.

1820.

A. Stuart to J. Neilson. The Montreal Judicature Bill of which he had just heard was to be read a second time on the following Friday. He looks on it as a Bar job, having for object to put all men of any talent on the Bench, and thus make room for the others.



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It is in principle a rude imitation of the French system, which is described in a late Edinburgh Review.

Before leaving Quebec, Ogden showed him a Bill prepared by Mr. Christie on Arbitration. Mr. Stuart objected to it on principle. It is a copy of the English law and its introduction may lead to all sorts of confusion.

Wednesday morning,  
1820.

A. W. Cochran to J. Neilson. Sending him a paper on the late elections, for insertion in the *Gazette*.

March 8, 1821.

A. J. Christie to J. Neilson. Sending a prospectus of a book he has written, and asking Neilson's assistance in getting subscriptions.

St. Paul's Bay,  
March 16, 1821.

George Chaperon to J. Neilson. He was on the commission to inquire into the state of the communications in Northumberland county, and desires to enclose an account of expenditures during that period. (The account is enclosed.)

March 31, 1821.

The manuscript of a long letter from Le Campagnard to the editor of the *Quebec Gazette* on the School Bible, then under consideration.

April 21, 1821.

(The letter was printed in the *Quebec Gazette* of the 9<sup>th</sup> April.)

The manuscript of another letter from Le Compagnard on the School Bill.

Berthier,  
April 23, 1821.

James Cuthbert to J. Neilson. Inviting attention to the prospectus of the Plough Boy, and other business matters.

May 11, 1821.

The manuscript of a letter to the Editor of the *Quebec Gazette* with further reference to the School Bill.

(The letter was printed in the *Quebec Gazette* of the 21<sup>st</sup> May.)

Quebec,  
June 25, 1821.

Col. J. Ready to J. Neilson. Enclosing for insertion in the *Gazette* and leading papers in other provinces, an advertisement of the sale by auction of the King's Posts on the north shore of the St. Lawrence. It is signed by H. W. Ryland.

Quebec,  
June 30, 1821.

Col. J. Ready to J. Neilson. Notifying him that the 5<sup>th</sup> July has been fixed upon for the meeting at Montreal of the Commissioners from Upper and Lower Canada on the subject of the custom's duties, etc.

Berthier,  
Aug. 20, 1821.

James Cuthbert to J. Neilson. Business matters. Is glad to observe that a meeting is being called in Quebec to take into consideration the restrictions upon trade and commerce, but he is grieved to notice by one of the resolutions that the petition is in danger of being a partial representation of the commercial interests, although an opportunity is given to the parishes and counties to add their weight to the impetus given by the capital. He has no great opinion, however, of the weight of country influence.

Oct. 15, 1821.

Judgment of the Court of King's Bench of the district of Montreal respecting the seignior of Noyan.

Montreal,  
Nov. 11, 1821.

D. B. Viger to J. Neilson. Opening day of session—14<sup>th</sup> Dec.—most unsuitable. He discusses the evil consequences of deviations from established practice, both on those in authority and those whose business it is to obey. He cannot understand the agitation in Upper Canada over the commission of which Neilson is a member, (presumably that for the apportionment of customs dues between the two provinces).

Quebec,  
Nov. 26, 1821.

A memorandum drawn up at a meeting in St. Andrews church, containing information respecting conditions in Canada, as respects emigration. It is proposed to have it inserted in leading newspapers in Belfast, Londonderry, Edinburgh and Glasgow.



## SESSIONAL PAPER No. 29b

Montreal,  
Dec. 18, 1821.

F. Desrivières to J. Neilson. Saying that in October last, he wrote to Neilson as curator of the Finlay estate, informing him of the result of an action respecting the Noyan seigniory, and asking whether in view of the fact that the judgment will seriously affect the Finlay estate, he thinks of appealing therefrom, as he (Desrivières) has been advised that the judgment is wrong.

1821. A memorandum in Papineau's handwriting containing, apparently, the figures of the population of several counties.

1821. Return of baptisms, marriages and burials for the District of Trois Rivières during the year 1821. (Two copies.)

1821. Alphabetical list of the Members of the Assembly in 1819 and 1821, arranged according to their votes on the Supply Bills.

It is noted that in 1819 the House refused a demand for an increase in the expenses of over 20,000 louis per annum.

In 1821, the House consented to an increase of more than 6,000 louis per annum, beyond the votes of 1819.

The list contains 14 names of those voting in 1819 "against the increase and for an itemized Supply Bill," and 10 names of those voting in an exactly opposite sense.

This House was dissolved, and two elections have taken place since. In the former of the two, all those who voted against the increases were re-elected except Mr. Roy Portelance who declined to stand. Of all those who had voted for the increases, only three were re-elected, viz.: Messrs. Davidson, Jones and Ogden, that is to say, one from the counties, and two from the boroughs.

1822. P. Bedard to J. Neilson. He will not apply for leave of absence until Mr. Moquin's return from Montreal. He wishes Mr. Moquin had named some person else as he is not well.

The following is a draft of a letter, unaddressed and unsigned. It is in the handwriting of John Neilson, and would appear to have been intended for the information of some person not residing in Canada, nor intimate with her recent history.

MY DEAR SIR,—In conformity with my promise I submit to you my view of the differences which exist between the Executive Government and the two branches of the Legislature and you may make what use of it you think proper.

To terminate these differences with honour to all parties concerned, satisfaction and advantage to the community, it is necessary to be acquainted with their origin, nature and extent.

Their origin dates from the Conquest. Things as well as men have cooperated to form their character and give them their present extent. The body politic of Canada after the conquest was composed of discordant materials. Manners, language, religion, laws and institutions all bore this character. Distrust and misunderstanding \* ..... were inevitable. The capitulations, the treaty of Cession, the Act of 1774 confirmed all that was Canadian. The men who were to govern were necessarily British. Everything in them was repugnant to what existed in the country. Their administration was necessarily defective and unavoidably occasioned discontents. But as the Government was despotic, saving the degree of liberty almost inseparable from the English criminal laws, and the \* ..... which was \* ..... from the dependence on the government of the mother country itself free, loud complaints were not held, but they were sullen and deep against the Colonial government, while the kind

\*Illegible.

\*Illegible.



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treatment manifest in every act emanating from the Government at home, the ameliorated condition of the people, and the religion and ancient character of the people procured their fidelity to the King. The whole history of the country from the conquest to the introduction of the present constitution affords proof of these positions. The principal actors on the part of the country were however of a different cast from those of the present day. They were chiefly of the old noblesse, many of whom were early attached as underlings to the Colonial Administration, who little by little lost their weight with their countrymen till the political weight of the class has dwindled away to nothing.

The constitution of 1791 brought far other actors on the side of the country. *Legally* the character of the government was changed, but the administration remained nearly the same. Men succeeded one another, but the maxims, the character, remained unchanged. It was a corporation filling up its own vacancies, having perpetual succession. The new men on the part of the (country) \* raised from trade, professions and industry and sent forth by the popular elections, made but little head till the government of Sir James Craig. It was then \* . . . . . the parties were nearly balanced and coming in contact. The (Governor?)\* and it is not surprising, sided with the perpetual succession, applied force which eventually has given strength to the party against which it has been brought into play under a free system of government. Since the commencement of his administration, dissolutions of the Assembly or appeals to the sense of the people have taken place at least three times the number of dissolutions during the last century.

The origin of the evil has been the discordant materials of the body politic. It has been perpetuated by these parties still remaining discordant, even after the present constitution brought these elements into closer contact. Within the last two years Sir George Prevost and Sir John Sherbrooke by going out of the ordinary duties of their office granted things for a moment; but both or nearly\* both brought against them the real administration of the province, the perpetual succession, holding a predominant influence in the Executive Council, the Legislative Council, the Courts of Justice and the public offices. Things at this instant seem as far from being settled as ever, and present a lowering prospect. Both parties are firmly \* . . . . . and strongly supported. Combatants on either side may fall and disappear but while the causes of discord exist there will never want for combatants on both sides.

P. Bedard to J. Neilson. On the question of his having leave of absence. It is necessary that he should have a substitute judge at Three Rivers. Has written to the Chief Justice a letter which he asks Neilson to deliver after reading it. If he cannot have a judge perhaps Mr. Taschereau might come.

Col. J. Ready to J. Neilson. The Governor-in-Chief being informed of the purport of the petition of a number of the Merchants of Quebec, praying for the renewal of the Provincial Act of 55 Geo. III, cap. 3, informs the House that he consents as far as His Majesty's interest is concerned that the House may do therein as they see fit.

\*Word omitted.

\*Illegible.

\*Word omitted.

Sic. Though it is not very clear.

\*Illegible.

Trois-Rivières,  
Jan. 6, 1822.Quebec,  
Feb. 4, 1822.



## SESSIONAL PAPER No. 29b

Quebec,  
June 3, 1822.

A. Stuart to J. Neilson. With reference to a paper he has written, dealing with Seigniorial Tenure, Free and Common Soccage, Emigration, and a fourth topic which he does not mention precisely.

Quebec,  
June 22, 1822.

J. Neilson to L. J. Papineau. Respecting a letter received from Mr. Marryat, M.P. In the face of opposition of other branches of Legislature, the most they can expect is to have relations with a member of parliament, intimate with Canadian affairs, and watching Canadian interests. Papineau should let Marryat know the sentiment of at least seven-tenths of people on question of union between Upper and Lower Canada. He learns that measures are well under weigh in the British Parliament for the union. The scheme is said to have originated with Chief Justice Smith. It seems to Neilson to lead straight to annexation. Its purpose is to abolish the poor negative, which is all the present constitution gives to the majority of the people. But there no reason for despair so long as Canadians remain united. If they were joined to Upper Canada, there would still be a majority opposed to present abuses. But as good subjects they must contest any change in the established constitution. If this change could be made without consulting the people, anything else is possible, on secret representations of interested people.

Quebec,  
July 4, 1822.

A. W. Cochran to Samuel Neilson. Requesting him confidentially to save room under the editorial head, for an abstract of the Bill for the Union of the two Provinces.

Quebec,  
Sept. 3, 1822.

Report of a Meeting of the Committee of the Agricultural Society of Quebec.

Quebec,  
Oct. 16, 1822.

L. Moquin to ———. Respecting the agitation against the Union Bill. Their meeting was attended by about 600 electors, Canadians and English, representing the districts from Kamouraska to Lotbinière and Deschambault. Judge Bowen and Messrs. Turgeon and Taschereau through not present warmly sympathized. Arrangements made for the preparation of petitions.

Kingston,  
Nov. 11, 1822.

William Merritt to J. Neilson. Having observed that Neilson is a member of the committee at Quebec opposed to the Union Bill, asks for information respecting the working of the committee, and how a committee at Kingston of which he is a member, may co-operate with that at Quebec.

Kingston,  
Nov. 13, 1822.

H. C. Thomson to R. J. Kimber. Saying that a meeting of those opposed to the projected union was held in Kingston on the Saturday previous, that an account of the proceedings were being sent by mail, and asking when the Lower Canada petitions were being transmitted to England.

Quebec,  
Nov. 18, 1822.

A. Stuart to J. Neilson. Enclosing a paper upon population, which he wishes to have printed anonymously in New York or Boston. He wishes it copyrighted, as he intends to use it as the basis for a larger work.

Montreal,  
Nov. 9, 1822.

L. J. Papineau to J. Neilson. Laments dissensions among their leaders over District representation. His idea was that each committee might choose whom it would as delegate, the concurrence of the others being a matter of course. If the Quebec committee would not have been offended, he and his friends would say name Messrs. Neilson and DeSalaberry and we will be satisfied. A patriotic Englishman must be among the delegates. The memorial for Union to be carried to England by James Stuart is full of bitterness against Canadians. It is not intended to give it publicity in this country.



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He wonders whether members of the Administration will sign the petition against union. Fears they will allow themselves to be dissociated as usual from mass of people. Mentions the Governor's undertaking the taking of a census when legislature failed. Mr. Mackintosh says in Parliamentary Debates that he saw a memorandum from the Upper Canadian legislature respecting the dispute as to the customs. It should have been communicated, according to the wishes of that legislature, to Lower Canada. If the Governor knew about it, and did not acquaint the legislature, that would prove that Mr. Richardson knew of what he spoke when he mentioned the conspirators of a secret committee of which he was doubtless a member. It was this memorandum which they had not seen which gave rise to the Bill of Commerce, full of palpable errors. He is pleased with Neilson's resolutions of 7<sup>th</sup> Dec. Places himself at Neilson's orders, "dites-moi de partir avec vous je pars, dites-moi de demeurer je demeure."

James Stuart is not, as his friends are giving out, to attack the Chief Justice and the clique, but to help them. No ill-feeling between Upper and Lower Canada. The former is asking the latter to carry its petitions to England.

Arrangements about going.

Montreal,  
Nov. 12, 1822.

L. J. Papineau to J. Neilson. Montreal Committee has agreed to adopt form of petition drawn up by Quebec Committee, their own was sharper in tone. The Governor is difficult, when you speak to him in English he replies in German. Regrets to learn that the delegates chosen by his committee are himself and Debartzch. Neilson was reported from Quebec as lukewarm, and a future Councillor.

Quebec,  
Nov. 12, 1822.

(This is not addressed but there is no doubt it was written to Papineau.)

J. Neilson to L. J. Papineau. Judge Bedard whom he has seen would willingly go to England if granted leave of absence. He notes certain differences between the draft of the Union Bill of the 31<sup>st</sup> July and the earlier draft. Unionists pleased with Union meeting at Kingston. They are stirring up feeling in Quebec and Three Rivers, to show that the country is divided on the question. If, as has been asserted, the Ministers wish to be rid of the colonies, they are going the right way about it. The Anti-Unionists in Montreal are doing well, but they must arouse greater activity among the English. The Canadians are English at heart. but the language marks a difference which is observed in England. His idea of delegates to England would be the elder Papineau, Bedard, Debartzch or James Cuthbert. For himself he sees insurmountable objections to going, and there are difficulties ahead in replacing Papineau the younger as speaker in the Assembly.

Quebec,  
Nov. 16, 1822.

J. Neilson to L. J. Papineau. Corrects an error he made in a letter to Mr. Waller, respecting the defeat of a bill appointing Commissioners to deal with Upper Canada. The clergy must not be omitted from petitions. Administration is whole heartedly against Anti-Unionists. The Anti-Unionists in Kingston are inquiring as to the sending of the petitions. He has answered them, but thinks there should be at least one delegate from Upper Canada. He appreciates Papineau's sacrifice in consenting to be a delegate. He has no inclination to go, as his ambitions do not go beyond the fields and the woods.

Berthier,  
Nov. 17, 1822.

James Cuthbert to L. J. Papineau. Regrets delay with Anti-Union petitions. Activity necessary to forestall the other party.



## SESSIONAL PAPER No. 29b

St. Charles,  
Nov. 18, 1822.

Habitants are said to be told that the passage of the Union Bill will relieve them of tithes and rents.

P. D. Debartzch to L. J. Papineau. Adding to reasons already given as to why he cannot go to England. Urges Papineau to go. Mr. St-Ours distressed at prospect of failure. He wants to know about the expenses of the trip.

Montreal,  
Nov. 18, 1822.

(The letter is not  
signed but it is  
in Papineau's  
handwriting.)

L. J. Papineau to J. Neilson. A heated denunciation of intriguers who would sacrifice the country's interests to their ambition. Acknowledges Neilson's zeal, and asks him to persuade Debartzch to go to England. It would not be safe to simply send the petitions, they must be presented and by men of influence. Viger tells him the Quebec Committee seem favourable to Debartzch. He speaks of the misrepresentations being made of the Act passed last summer to authorize the King's censitaires to commute their fines. It is being hinted that the communities have only rights of usufruct, and that their censitaires may commute as King's censitaires. There should be three delegates.

Berthier,  
Nov. 21, 1822.

James Cuthbert to L. J. Papineau. Thanks for papers received. Urges the necessity of getting the signatures in the Three Rivers districts, and indicates the means and persons by which this may be effected.

Quebec,  
Nov. 21, 1822.

Rev. J. Demers to L. J. Papineau. He has been discussing with Neilson the question of presentation in England of the petitions against the Union Bill.

Neilson has the strongest objections to being a delegate, partly from pecuniary, partly from domestic reasons. Going over the names of possible delegates, Papineau père, and Papineau fils, are first mentioned. The former is set aside on account of age and infirmities, but the latter for whom Neilson expressed strong admiration must go. Judge Bedard was spoken of, but Mr. Demers thought that he would not succeed unless Neilson were with him. A number of others were passed in review, but nearly all were open to objection or could not go.

Mr. Demers was of opinion that Neilson could be induced to go in spite of what he said, if Papineau or Bedard, or better still, both of them were associated with him.

Quebec,  
Nov. 21, 1822.

W. Lindsay to L. J. Papineau. In accordance with his request, Mr. Lindsay has sent the laws, journal, etc., of the province to Mr. Underwood, to await Mr. Papineau's orders. Mr. Stuart's report is still unfinished, but Mr. Lindsay hopes it will be struck off before the meeting of the Legislature.

Nov. 23, 1822.

W. W. Baldwin to Jules Quesnel. He speaks of an accident he had while mounting his horse, which has left him weak. Has not received any papers from Mr. Quesnel. He sent a petition to Mr. Quesnel and a letter but has had no acknowledgments. "Your brothers and Mr. Papineau's speeches at the public dinner were admirable. Their eloquence very considerable as well as their strong and manly spirit of true loyalty contrasted with the vile sycophantic self-sufficiency that the busy bodies of the faction continually assume of praising their own loyalty and uttering false and slanderous imputations against the people—for in fact it is a faction on the one side and the people on the other." He hopes soon to be able to send down the petitions, which contain the signatures of almost all the respectable yeomanry of the place. It should have been the result of a



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county meeting but Mr. Ridout refused to call one. The great men of the place affect to dislike the union, but he does not believe them, as they are doing nothing to oppose it. He is satisfied that they are in principle of a piece with the Montreal faction, who ill-deserve the happy constitution that was given them.

St. Ours,  
Nov. 25, 1822.

C. de St. Ours to L. J. Papineau. Replying to a letter from Mr. Papineau he says that Canadians should do all in their power to avert the fatal blow aimed at the country by the Union Bill. He is greatly pleased that Papineau's name is so generally mentioned in connection with the delegation to England. He does not believe there is any use in urging DeBartzch, as Papineau desires, as he is quite determined not to join the delegation. DeBartzch is of opinion that their interests will be best left in the hands of Papineau and some gentleman from Quebec District.

Quebec,  
Nov. 26, 1822.

J. Neilson to ———. The information required by letter of the 23<sup>rd</sup> will have been supplied by Neilson's letter of Monday and Mr. Moquin's visit to Montreal. He hopes that the committee of his correspondent have come to an agreement with Mr. M. as to the nomination of a third delegate, and that all is settled. The petition sheets are nearly complete, and subscriptions for the expenses have begun. Judge Bowen and Mr. Burnett have refused a subscription for the agent, but will give something for the expenses of the petition. Mr. DeSalaberry has subscribed like the others.

The supporters of the Administration have no idea the Anti-Unionists are sending delegates, and particularly members who have opposed the Executive.

The right of the Assembly to give money, as it is understood, has been declined. Neilson would willingly give en bloc a sum which would pay all the appropriations, real or supposed, for the current year, if the amount were approximately that of the year 1817. This is in view of the present difficulties, and on the understanding that their action did not form a precedent for the future; and that, after having asked the Governor by address if he had had any reply to the offer made last year to the King to pay all the expenses each year. If it were accepted it would not bind them for the future; if not, advantage might be gained from the refusal. So long as the money comes out of the pocket of the subject in spite of them, it would be better that it should be spent than that it should lie in the hands of the Receiver General.

He will leave Quebec as soon as the Committee arrange matters. He insists on the necessity of three agents, and their expenses. If the country cannot pay them, the journey will be useless. Such a country is not fit to have a free constitution.

Mr. Moquin says that the Bishop of Quebec and all the clergy have been the first to sign.

St. Charles,  
Nov. 27, 1822.

P. D. DeBartzch to L. J. Papineau. Expressing his pain at his inability to accept the mission to England, but the future wellbeing of his family absolutely forbids it. Again urges Papineau to go.

Spadina,  
Nov. 27, 1822.

W. W. Baldwin to Julius Quesnel. Is happy the Montreal Committee is about to take up the contention of the Commissioners. The Upper Canadian public are irritated at what is said to be the injustice of Lower Canada regarding financial arrangements between the two provinces. Baldwin has always made a distinction between the contentions of the Commissioners and those of the province; still he has



## SESSIONAL PAPER No. 29b

been distressed at the silence of Lower Canada on the subject. It is said that the Assembly of Lower Canada approved of the conduct of their Commissioners at the broken conferences and therefore that Lower Canada has approved. He hopes this is not the case.

It seems impossible to stir up any manifestation in Upper Canada against the Union. He concludes that they are favourable though their friends say they do not favour it. Upper Canada has no ill-will against Lower Canada.

St. Ours,  
Nov. 29, 1822.

Address to the Inhabitants of Sorel by Charles de St. Ours, enclosing for their signatures a petition to be signed against the Union of the two Canadas. He urges that the petition be signed by all who are attached to their country, their interests and their religion.

St. Charles,  
Nov. 30, 1822.

P. D. Debartzch to L. J. Papineau. Persisting in his refusal to be a delegate.

He disapproves strongly of the action of the Quebec Committee in objecting to Papineau as a delegate, because he is Speaker of the Assembly. "Although you have been deemed worthy by the representative body of being made its organ, and when this body is more essentially attacked than the other branches of the Legislature, they would like to have the constituents of the representative body demand your exclusion." "Because as Speaker you have been able to do a great service, you must be refused the means of doing the greatest service possible to your country."

The history of the Imperial Parliament offers several examples of Speakers of the House of Commons being replaced without bringing about a dissolution. He urges Papineau to regard this opposition as an additional reason why he should go.

St. Charles,  
Dec. 1, 1822.

Has received the petitions and the signing of them is going on well.

P. D. Debartzch to L. J. Papineau. Is delighted to learn from a letter of the day before that Papineau has been persuaded to go to England. Is sending Papineau's letter to Mr. de St. Ours.

St. Charles,  
Dec. 4, 1822.

P. D. Debartzch to L. J. Papineau. Began to hope for activity at Trois Rivières. Speaks of the apathy there. Encourages Papineau to believe that his mission will be a success. He must have recommendations, and ask one from the Governor. The refusal to give it could be used with advantage.

Quebec,  
Dec. 5, 1822.

J. Neilson to L. J. Papineau. Difficulties owing to sectional jealousies respecting the ratification of the action in sending delegates, who have been chosen; also, as to raising subscriptions for the expenses. A section of the Quebec Committee are opposed to sending delegates at all. He urges Papineau to stand firm, and public opinion will do the rest.

Kingston,  
Dec. 5, 1822.

H. C. Thomson to J. Quesnel. Acknowledges with thanks letter of 30<sup>th</sup> ulto. The Kingston committee will send their petition through the Montreal committee. There are several other committees through the province, who will doubtless be glad to avail themselves of the same means. Four-fifths of the inhabitants of Upper Canada are opposed to the Union, but many are timid and will not sign petitions. In Kingston they have 600 signatures against, and he understands that those signing for the Union will not exceed 100.

Dec. 6, 1822.

Thomas Lee to J. Neilson. (In French.) He returns the report from Mr. Primrose, which he has copied. He believes the Governor's Secretary is mistaken in the sense he appears to give to the request



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of the petitioners from the Faubourgs. Mr. Primrose admits a large part of the facts alleged in the petition.

Quebec,  
Dec. 9, 1822.

J. D. (Rev. J. Demers) to L. J. Papineau. Regrets greatly that Papineau has been chosen as delegate to England. All his friends in Quebec do likewise. They all recognize his entire fitness for the task, but they fear that he will be charged with having deserted his post as Speaker of the Assembly. There will also be all sorts of difficulties in the choice of a speaker to replace Papineau temporarily.

Dec. 10, 1822.

W. W. Baldwin to Julius Quesnel. Is glad to learn of the anticipation of his wishes; "indeed nothing is more desirous than the public announcement of the cordial good will of the people of this Province towards those of Lower Canada." On the day following the receipt of Quesnel's letter, Baldwin called a meeting of the friends of the Constitution and suitable resolutions were adopted. The mass of the people are undoubtedly for the constitution, but some are not, though who they are is impossible to discover. As the petitions come in signed, they will be sent to Mr. Quesnel as one of the Montreal Committee.

The differences between the two provinces are ascribable to the negligence of the authorities in the two provinces, for not having earlier drawn attention to the mode of ascertaining the proportions. If Lower Canada would vote a certain sum to pay Upper Canada, Baldwin believes it would be accepted and have good effect. He would like to see the two Houses settle the great mass of the difficulty, and so disappoint the arbitrators. But this requires much circumspection.

York,  
Dec. 11, 1822.

W. W. Baldwin to Julius Quesnel. He is sending down all the petitions signed, by Mr. LaCroix who arrived very lately. There will be some more, which will be sent if one of the Lower Canadian agents can wait for them.

Montreal,  
Dec. 12, 1822.

L. J. Papineau to J. Neilson. Criticizes attitude of Quebec Committee. Neilson's nomination has given liveliest satisfaction in Montreal, but they fear to excite resentment of Quebec Committee by saying so. Papineau's appreciation of Neilson's services. The townships are disposed to exaggerate their population. Andrew Stuart's sound views on administration. The delegates should be in England before Parliament opens. Neilson will carry the petitions of the majority in Upper Canada.

Quebec,  
Dec. 14, 1822.

J. Neilson to L. J. Papineau. As to delegation to England, there is a feeling of the unwisdom of sending only members of Assembly, as if the country had no others competent. His own reasons for hesitating, fear lest he should prove his unfitness. Will decide when Trois Rivières takes action as to delegate. Urges Papineau to be in Quebec at opening of session. This he owes to his office as Speaker, to the other branches of the Legislature, and to the law in virtue of which they meet. He would not be welcome in England, if he evaded his legislative duties on grounds other than sheer necessity.

Quebec,  
Dec. 16, 1822.

(This letter is not addressed but it is clearly for Papineau.)

J. Neilson to L. J. Papineau. Accepts the mission to England. At the selection of delegates Neilson had eleven votes, Burnett who was going to England in any case nine votes, and Vallière two votes. Colonel de Salaberry voted against Neilson. Five or six voted not to send delegates.

Montreal,  
Dec. 16, 1822.

L. J. Papineau to J. Neilson. Awaiting news from Neilson. Wonders if his letters are tampered with. He has no secrets and



## SESSIONAL PAPER No. 29b

therefore no fears. He has had several letters from people who like and respect him deploring his going, as a desertion of his post. Hopes strongly Neilson will go. The petitions are being returned. With more time they would have had 50,000 signatures. Europeans and Canadians, strangers to fanaticism, sign together. Unionists make a point of evidences of illiteracy in Anti-Union petitions. It is suggested that Irish immigrants passing through to United States intended to stay in Canada, but changed their minds on seeing the conditions. Enquiry should be made as to this. He is anxious to be off, but if he must meet the Legislature, will do so.

Montreal,  
Dec. 18, 1822.

L. J. Papineau to J. Neilson. Glad of Neilson's acceptance. He is strongly opposed to appearing at opening of Legislature, as he is satisfied that means will be found to hold them, once they are there. Arrangements for going.

St. Eustache,  
Dec. 19, 1822.

J. Labrie to L. J. Papineau. Gives an account of the doings of two emissaries of the Government canvassing with Union petitions, and of the Anti-Union measures to frustrate their plans. States that his political enemies are contriving to ruin him by bringing in a rival doctor.

Quebec,  
Dec. 20, 1822.

Report of a meeting of the Constitutional Committee of Quebec. The principal business was a vote of thanks to Neilson, and to arrange with the Montreal Committee as to facilitating correspondence between the Committees and the delegates.

Quebec,  
Dec. 23 1822.

J. Neilson to L. J. Papineau. All are agreed three delegates should go, and it has been proposed to send Judge Bedard. One delegate at least should not be of the Assembly. There is a feeling in England that the opposition to Union is due to determination of certain members to maintain their importance. Hence desirability of delegate from outside Assembly. He still thinks Papineau should attend opening of Legislature, and that so far from desiring to keep them the Government will be glad to get rid of them.

Dec. 23, 1822.

All news from England points to decision of Ministry for Union. L. J. Papineau to J. Neilson. In Montreal it is learned that Neilson's nomination displeases many in Quebec, and that several votes were cast for him under instructions. Necessity of starting early in January. There is a report which he does not believe that the Bishop is unwilling to sign the Anti-Union petition. With slight encouragement all the curés would make separate representations to King. Misrepresentations of Unionists. They fear the effect in England of the violence of their petitions, and do not quite trust James Stuart. Efforts of administration to win over popular members. Roads very bad; practical impossible of representation in Legislature if members had to come all the way from Sault Ste. Marie.

Brockville,  
Dec. 24, 1822.

Andrew N. Buell to J. R. Kimber. Asking for information as to the steps to be taken in Lower Canada for presenting the petitions against the Union Bill, and whether, if delegates are sent from Lower Canada, they would have any objection to taking the Upper Canadian petitions with them.

Reached  
addressed.  
Dec. 26, 1822.

W. W. Baldwin to J. Quesnel. Sending the joint report of the two Houses. Necessary Montreal public should know of them.

Fears his letters are tampered with, though he is satisfied with the postmaster at York.



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Kingston,  
Dec. 26, 1822.

H. C. Thomson to J. R. Kimber. The petitions will be forwarded today and will probably reach Montreal about the 31<sup>st</sup>.

Hallowell,  
Dec. 27, 1822.

Eben<sup>r</sup> Washburn to J. R. Kimber. Forwarding petitions from the county of Prince Edward against the Union Bill.

Quebec,  
Dec. 27, 1822.

P. Bedard to Jean Belanger. Thanking the Quebec Committee for naming him one of the delegates to England, and accepting the mission if he can obtain leave of absence.

Montreal,  
Dec. 28, 1822.

L. J. Papineau to J. Neilson. Urges haste in departure. Hopes Bedard may accompany them. Speaks of unanimity in object and pursuit of means among the three. Unionists are doubtful of success and now say it were better if neither side sent delegates. His pleasure in meeting Andrew Stuart. Asks if Neilson accepts Gourlay's account of Upper Canada.

Trois-Rivières,  
Dec. 29, 1822.

P. Bedard to J. Neilson. Giving a statement of baptisms, marriages and burials for 1821. Personal matters.

Berthier,  
Dec. 29, 1822.

James Cuthbert to L. J. Papineau. Deprecates criticism of his inactivity. Neither his talents nor his circumstances make it possible for him to do much. He is asking his nephew Mr. Antrobus to give them assistance. Suggests William Eusebius Andrews as a useful man in London, though under a cloud with ministers on account of emancipation and reform views.

Quebec,  
Dec. 30, 1822.

J. Neilson to L. J. Papineau. If not coming to Quebec, Papineau should start for England as soon as possible. He himself must wait until a decision regarding Judge Bedard's leave of absence is reached. There should be three delegates in any case. A country so reduced that it cannot provide its delegates with the means necessary for success might have the finest constitution in the world, but would be incapable of preserving it.

Trois-Rivières,  
Dec. 31, 1822.

P. Bedard to J. Neilson. Respecting his application for leave of absence. Governor quite willing if substitute judge can be found. Bedard offers his house and a proportion of his salary to substitute.

Berthier,  
Dec. 31, 1822.

J. Cuthbert to L. J. Papineau. Enclosing two letters of introduction, and reminding him of certain post office regulations with which he must comply. Hopes the Assembly has prepared its petition against Union.

1822.

Memorandum of the several arguments against the Bill for the Union of Upper and Lower Canada.

1822.

Heads of the Bill for uniting the Canadas, postponed to next session of the Imperial Parliament.

1822.

List of Bills passed by the Imperial Parliament affecting Canada in 1822.

1822.

A. Stuart to J. Neilson. Respecting the publication of the paper on population, and personal matters.

Montreal,  
Jan. 2, 1823.

L. J. Papineau to J. Neilson. Urging haste and disposing of the several objections set up by Neilson for delaying their departure.

Trois-Rivières,  
Jan. 2, 1823.

P. Bedard to J. Neilson. On money matters in connection with the projected trip to England.

Jan. 4, 1823.

L. J. Papineau to J. Neilson. He hears that the Governor is giving letters introducing Union delegates to Lord Bathurst, and suggests effort to get them for Anti-Unionists.

St. Raphael,  
Jan, 6, 1823.

Bishop MacDonell to L. J. Papineau. He has been ill and so, prevented from going to England. Otherwise would have been glad to accompany Papineau. He hopes to be able to start for England by March, and to help Papineau in the work he has undertaken.



## SESSIONAL PAPER No. 29b

While reserving his opinion on a scheme for Union on a liberal basis, he is determinedly opposed to everything affecting the liberty of the subject or which encroaches on religion, and he revolts at the idea of forcing a measure upon free born British subjects.

He gives Papineau directions respecting the letters of introduction entrusted to him.

Quebec  
Jan. 7, 1823.

J. F. Perreault to J. Neilson. Asking him to see Mr. Saunders, advocate in London, on a matter concerning education.

Berthier,  
Jan. 7, 1823.

James Cuthbert to L. J. Papineau. Regrets that circumstances prevent him from procuring letters of introduction which would have been of great service to the delegates.

Neither place  
nor date given.  
(The letter is post  
marked "15th Jan.  
too late".)

P. Bedard to J. Neilson at Montreal. Asking as to his London address.

Trois-Rivières,  
Jan. 8, 1823.

P. Bedard to J. Neilson. Governor leaves Bedard to make his own arrangements for absence, but adds that the *locum tenens* must have an absolute appointment as Provincial Judge. This is disquieting to Bedard, as it jeopardizes his position. He realizes the objections to him, a judge, going as delegate. Suggests Mr. Moquin if he cannot go.

Trois-Rivières,

P. Bedard to J. Neilson. Mr. Vezina offers to take the judgeship at Three Rivers temporarily. But this does not remove essential difficulty.

Trois-Rivières,  
Jan. 8, 1823.

P. Bedard to J. Neilson. On further reflection he concludes that the risk of going to England is too great, and it will be impossible to leave on the conditions offered. He is greatly mortified.

Montreal,  
Jan. 8, 1823.

L. Guy to ———. Introducing Messrs. Papineau and Neilson to his correspondent.

Jan. 10, 1823.  
Montreal,

P. Bedard to J. Neilson. He has just seen Mr. Ker, who is of opinion that he would take great chances if he went to England. Mr. Kerr advises him not to go. Mr. Kerr is an Anti-Unionist.

Trois-Rivières,  
Jan. 10, 1823.

Austin Cuvillier to John Carter. Introducing the Canadian delegates and describing their mission.

Quebec,  
Jan. 11, 1823.

W. Lindsay to J. Neilson. Enclosing a letter to Mr. Underwood of London, to whom the books for the use of the delegates against the Union Bill were sent.

Montreal,  
Jan. 13, 1823.

Horatio Gates & Co. to M. A. and G. Maxwell, Liverpool. Introducing Messrs. Papineau and Neilson.

Quebec,  
Jan. 13, 1823.

Schedule of papers and documents furnished to John Neilson on the occasion of his visit to England, as delegate of the opponents of the Union Bill.

Quebec,  
Jan. 13, 1823.

A statement of the contents of a box, called Box No. 1, signed by Jean Belanger.

Montreal,  
Jan. 16, 1823.

J. Bouthillier to Alex<sup>r</sup> Maxwell, Liverpool. Introducing Mr. Papineau.

Montreal,  
Jan. 16, 1823.

R. J. Kimber to Sir W. Cumming Gordon, Bart., Edinburgh. Introducing Mr. Papineau.

Montreal,  
Jan. 16, 1823.

R. J. Kimber to J. Craigie, Edinburgh. Introducing Mr. Papineau.

Jan. 18th, 1823.

Hon. A. L. Juchereau Duchesnay to J. Neilson. Wishing him bon voyage on the occasion of his departure to England.

Montreal,  
Jan. 18, 1823.

Hon. L. R. C. deLery, introducing Mr. Papineau to a brother in France.



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Quebec,  
Jan. 22, 1823

J. Belanger to J. Neilson. Giving an account of the proceedings in the Council and Assembly on the Union question. The Speaker is sufficiently well disposed. He has taken no part in the debates, but has assisted in the preparation of the Resolutions. It would seem that the Speaker aims to manage both parties.

New York,  
Jan. 23, 1823.

J. Neilson to J. Belanger. Notifying him of their arrival in New York that evening. They will sail next day forenoon in the *Nelson*. Captain Cobb, Liverpool.

James Stuart, agent for the petitioners for the Bill sailed on the 16<sup>th</sup> in the Columbia packet.

Quebec,  
Jan. 25 1823.

J. Belanger to J. Neilson. An account of the proceedings in the Legislature (29 Jan'y.). He regrets to observe that Messrs. Cuthbert, Debartzch, Gugy and DeSalaberry have left Quebec, thus leaving in the Legislative Council the same majority which has always opposed the Assembly.

Quebec  
Jan. 25, 1823.

J. Belanger to J. Neilson. When they asked the Governor to forward their petition to the King, the Governor was not well disposed. He spoke in English, but promised to accede to their wish. It was suggested that the petitions from the two Chambers should be sent to Mr. Marryat, but it was thought better to leave them in Neilson's hands. Gives an account of the proceedings in the House as to forwarding the petitions.

Quebec,  
Feb. 8, 1823.

J. Belanger to J. Neilson. Giving an account of the proceedings in the Assembly. Mr. Cuvillier who has been going over the public accounts is satisfied that there has been a surplus of £38,000 stg. between the establishment of the constitution and 1816, which has gone into the British Treasury under an Imperial Act, 51 Geo. III., and that application should be made for its return.

Quebec,  
Feb. 10, 1823.

J. Belanger to J. Neilson. Notes of proceedings in the Legislature. If the Legislative Council is not enlarged by the appointment of several large proprietors whom he names, there will be no hope of harmonious working. Mr. Felton who has been made a Legislative Councillor is an acquisition to the other side. (15 Feby.) The Honourable Mr. DeGaspé died on 12<sup>th</sup> of month.

Liverpool,  
Feb. 17, 1823.

J. Neilson to J. Belanger. He arrived in Liverpool on the 16<sup>th</sup> inst., having sailed from New York on the 24<sup>th</sup> ulto., in the *Meteor*.

He got the petition out of the Customs this day, and on the 18<sup>th</sup> sets out for London.

Parliament met on 4<sup>th</sup> inst. Nothing is known as to proposed Bill.

Willow Park,  
near Dublin,  
Feb. 19, 1823.

Sir Robert Waller to J. Neilson. Offering him every assistance in his power, and telling him what he has done already at the instance of his brother Mr. J. Waller of Montreal.

Quebec,  
Feb. 20, 1823.

J. Belanger to J. Neilson. The Committee on the Public Accounts from 1791 to 1822 has made its report. A copy was obtained secretly and sent to the Chateau, where a reply was prepared tending to show that the Executive may appropriate all the revenues produced by 14 Geo. III, and the Casual and Territorial revenue. A proposition to make a representation, regarding the Canada Trade Act is opposed by Mr. Viger on the ground that the times are too critical. There is a feeling that, although the Assembly would be justified in a protest against the Governor's withholding the memorial from Upper Canada, the proceedings might be turned to its disadvantage. It is thought that perhaps the same ends would be attained by a representation from the delegates in England to the Colonial Office.



## SESSIONAL PAPER No. 29b

28 Norfolk St.,  
Strand,  
Feb. 25, 1823.

L. J. Papineau and John Neilson to Robert Wilmot, M.P., Downing Street. Announcing their mission and asking when it will be convenient for Lord Bathurst to receive them.

Quebec,  
Feb. 25, 1823.  
March 4, 1823.

J. Belanger to J. Neilson. Sessional notes.

And. Loughran to A. W. Roberts. Commending Messrs. Papineau and Neilson to his attention and asking him to introduce them to Sir James Mackintosh, if convenient.

28 Norfolk St.,  
Strand,  
March 5, 1823.

J. Neilson and L. J. Papineau to Sir James Mackintosh. Stating their mission on behalf of Lower Canada, and informing Sir James that they had petitions signed by upwards of 6,000 freeholders of Upper Canada, which were addressed to him. They thank him for his opposition to the Union Bill in the House of Commons, and ask for an opportunity of waiting upon him.

March 6, 1823.

Memorandum of an Interview of the Canadian Delegates with Mr. Wilmot, M.P. (In J. Neilson's handwriting.)

The delegates met Mr. Wilmot in his room in the afternoon of 1<sup>st</sup> March. Speaking in French, Mr. Wilmot discussed the circular of the Montreal Committee of the 16<sup>th</sup> Dec., 1822. He noted first the statement in the circular that it was said by the movers of the Bill introduced the session before that "the proposed law would be received with satisfaction by all His Majesty's subjects in the Canadas" and stated that it was not expected that the Bill would be in accordance with the wishes of the French Canadians, but that it was thought the measure would be ultimately for their good. If the three branches of Parliament approved the measure it could hardly prove otherwise as they could be under no prejudices. He instanced the case of a child who might dislike first going to school, but sending him there was nevertheless for his advantage.

Mr. Wilmot changed the conversation to English, and took up that part of the circular which stated that the measure would be destructive of their laws, etc. Mr. Papineau said that part referred only to the petition of the Montreal Unionists and stated that the petitioners had the fullest confidence in the Government of the Mother Country. Neilson observed that during the thirty years he had been in Canada he had never heard anybody complain of the Government at home, that there were squabbles with the Colonial Government, but that there was no desire to carry them further. Mr. Wilmot observed that there were squabbles everywhere.

Neilson drew attention to the general opposition to the measure, and stated that the Government at home could not be very correctly informed regarding local matters, that there were 60,000 signatures to the petitions entrusted to them, that not only the French Canadians but half the British born were opposed to it, that there were over 6,000 names to the petitions which they brought from Upper Canada.

Mr. Wilmot remarked that every person who embraced a side could make out a strong case for it and seemed to think that Neilson was rather hasty in stating objections. Neilson replied that he did not intend to imply that numbers gave reason. Mr. Wilmot then said he was telling no secret in saying that some time ago Lord Bathurst had written to Lord Dalhousie to say that the measure could not be reproduced at present; that the delegates could not occupy themselves better than in entering, in writing, into details of their position, taking the bill as printed last session and observing on it clause by



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clause; that they might see Lord Bathurst whenever they pleased. They then left with Mr. Wilmot a number of papers.

London,  
March 6, 1823.

J. Neilson to J. Belanger. Giving him an account of the interview with Mr. Wilmot. He does not think any useful purpose would be served by his staying longer in England, but will await advices from Canada.

Quebec,  
March 8, 1823.

J. Belanger to J. Neilson. Everything has gone wonderfully this session. They have sent fifty-four Bills to Council. There will be perhaps ten more. As usual their favorite Bills have been rejected, viz.: those for the incorporation of towns, for a census and for education.

1823.

He recounts the course of proceedings in the Chamber.

A draft made by Neilson of a letter written apparently while in England, in connection with his mission as a delegate of those opposed to the union of the provinces.

The Canadians are to a man opposed to the union. Neilson regards their attitude as indicating attachment to the constitution. Any great change will strike at the root of confidence in the government. He discusses the sort of Parliament there would be if Union took place, and points out the difficulties which would arise.

Quebec,  
March 12, 1823.

J. Belanger to J. Neilson. Account of Legislative proceedings.

28 Norfolk St.,  
Strand,  
March 15, 1823.

J. Neilson to S. Cock. Giving him an account of conditions in Canada. Population of Lower Canada about 400,000; of Upper Canada about 120,000. No desire for Union shown by fact that petitions therefor did not exceed 10,000 names, part of persons having no stake in the country. By the terms of Union Bill and the circumstances, Lower Canada would have no more members in united assembly than Upper Canada.

Quebec,  
March 19, 1823.

J. Belanger to J. Neilson. Account of Legislative proceedings.

Montreal,  
April 12, 1823.

P. M. Bruneau to Samuel Neilson. Enclosing a note to him from J. Neilson, which was enclosed in a letter from Papineau to Madame Papineau.

Montreal,  
April 17, 1823.

F. A. Quesnel to J. Neilson, London. Introducing his brother Charles Quesnel.

Downing Street,  
April 28, 1823.

Horton Wilmot to L. J. Papineau and J. Neilson. Will receive them at one o'clock.

London,  
April 29, 1823.

J. Neilson to J. Belanger. He and Mr. Papineau are satisfied with the results of their labours, which he describes as onerous. Canadian affairs remain the same as when he wrote last. They have asked for an interview with the Secretary of State for the Colonies, and this has been fixed for Thursday next. Upon the result of that, and on the first letter received from Belanger after the prorogation of the Assembly will depend the time of his embarking for Canada. Mr. Papineau and Mr. Stuart seem disposed to remain longer.

London,  
June 27, 1823

L. J. Papineau to J. Neilson. Wilmot delays presenting petitions; probably wishes his hands were clear of the whole business. Speaks of a discussion between Mr. Wilmot and Mr. Davidson as to the working of the Bill if carried. He sends a copy of a letter addressed to Lord Liverpool on the state of the colonies—full of untruths. Mr. Underwood thinks it is the work of the Bishop. £5,000 were voted for ministers, whether dissenters are to benefit is not clear; also £15,000 for immigration to Cape and Canada.



## SESSIONAL PAPER No. 29b

Trois-Rivières,  
July 1, 1823.

P. Bedard to J. Neilson. Welcomes him home, and asks if he has obtained recommendations to the Governor regarding an agent. The ministers must see the necessity of it, if they wish to avoid pitfalls.

Bedard will communicate to the Committee the substance of his letter.

Quebec,  
July 4, 1823.

At a meeting of the Quebec Committee, a letter was read from Mr. Neilson, on his return from England, and he was accorded a vote of thanks for the "zeal, capacity and diligence with which he discharged the important mission imposed upon him by the Committee for the general interest."

Trois-Rivières,  
July 30, 1823.

P. Bedard to J. Neilson. The Trois Rivières Committee is sending to the Committees of Quebec and Montreal, each, the sum of £39 and some shillings, which represents the total of the subscriptions in that district. He laments the lack of zeal in the district, when it comes to paying out money. Some of the principal members of the Committee have under various pretexts refused to pay their subscriptions.

Quebec,  
Aug. 13, 1823.

A. Stuart to J. Neilson. A lengthy discussion on theories of population.

Quebec,  
Aug. 15, 1823.

A. Stuart to J. Neilson. He is provoked at his inability to detect the fallacy in M. Sismondi's argument. In the course of his letter he tells of a client of his an old mad woman who six or eight years before came to have him institute a suit on her behalf. Her statement was that five or ten years before she had left with a habitant on the Island of Orleans a cock and two hens and one or two sheep, and that she was entitled to these birds and animals as well as the young which they had produced or ought to have produced with proper management. The generations were numerous and proceeded as she stated them in geometrical progression, it was doubtful whether all the fowl on the Island would have been sufficient to satisfy her claim.

His idea is that Sismondi's argument is about as plausible. However he asks Neilson to give his mind to it, and see if he cannot disentangle it.

Quebec,  
Aug. 16, 1823.

J. Planté to J. Neilson. Inviting him to a public dinner to be held in Quebec to mark the satisfaction of the people with the results attending the efforts of the delegates against the Union Bill.

Aug. 23, 1823.

The Constitutional Committee of Trois Rivières of which the Honourable Pierre Bedard was president, passed a vote of thanks to Mr. John Neilson for his services in England.

Montreal,  
Aug. 30, 1823.

D. B. Viger to J. Neilson. He has read a pamphlet and the letter to Lord Liverpool. Suspects the author to be a resident of Canada. He has always believed that views of justice in government prevail in England, and the obvious malignity of the writings will help the Canadians. Members of the Church of Scotland are scandalized at the attack. He condemns the bigotry which arouses passions in a country like this. "Leave old Europe to its exclusive laws. They have done harm enough there. Why transplant here passions which are unknown?"

Montreal,  
Sept. 18, 1823.

D. B. Viger to J. Neilson. On the Union question, all is in doubt. Mr. Desrivières says it is not mentioned; others say the Ministry would be glad to have it buried from sight. About the finances, why are deposits and payments made at Bank of Montreal? The financial question is one which enables traitors to create confusion, bury their



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own past, and fish in troubled waters. Discusses an ecclesiastical dispute to which Mr. Chaboillier was a party. Trade is very bad. The administration of justice deplorable.

Montreal,  
Oct. 13, 1823.

D. B. Viger to J. Neilson. Two letters have been received from Papineau. In the first he feared the Union question would be revived. In the second, he spoke of seeing Lord Bathurst who was much impressed by the Anti-Union case as disclosed by the documents. The British Government, he declared, had nothing but the interests of Canada at heart. Nothing is to be done at present. If any thing should be contemplated in the future, nothing would be done without first consulting the Legislature. Mr. James Stuart has returned, and they say going back at once, as the Union cause is progressing favourably. Viger thinks this is a way of letting Stuart down easily, as he does not believe in the duplicity of the British Government.

Cap-Santé,  
Nov. 10, 1823.

G. W. Allsop to J. Neilson. Asking whether he has given any further thought to a proposition made to him by Mr. Allsop two years before for the establishment of an office for the registration of patents.

Montreal,  
Nov. 29, 1823.

L. J. Papineau to J. Neilson. Is chagrined at the persecution to which Neilson is being subjected by the Governor. He is satisfied that, in the attacks on the *Gazette*, can be seen the intriguing hand of the Chief Justice, reaching out for a share in the Neilson business for some of his creatures. Criticizes the form of the Estimates of previous year, with the distinction of Civil Government from a Government which is neither Civil, Ecclesiastical nor Military, but Local. This is the Chief Justice's verbiage. Mentions the misfortunes of Davidson and Caldwell. Regrets that the judicature is bemiring itself more and more with politics.

Trois-Rivières,  
Dec. 16, 1823.

P. Bedard to J. Neilson. Asks Neilson's opinion on some remarks he made on the sheriff of Quebec which seem to have excited some feeling. He criticizes the action of the Assembly regarding the sheriff. In his view the whole trouble is that he is the son of the Chief Justice, who also combines in his person the offices of Legislative and Executive Councillor.

Trois-Rivières,  
Dec. 27, 1823.

P. Bedard to J. Neilson. There was no occasion for worry regarding the matter mentioned in previous letter. Discusses the undesirability of judges being in Council. One judge, no friend of the Assembly, but holding similar views, believed that if the pay of judges were increased on condition of their giving up the Council, they would be glad to accept the offer. Gives some general views on financial question, of which he professes to know little.

Trois-Rivières,  
Dec. 27, 1823.

P. Bedard to J. Neilson. Respecting a petition which he is presenting to Council.

1824.

A form of call to a pastor to succeed the late Reverend Alexander Spark in St. Andrew's Church, Quebec.

It is signed by J. Neilson, only.

Montreal,  
Jan. 29, 1824.

J. Brown to J. Neilson. He expects Mr. Papineau or Mr. Stuart will bring forward resolutions similar to those passed in the House of Assembly of Upper Canada, with respect to the claims of the Scotch church to the Clergy Reserves. It has been suggested that a monument be erected when the claims are recognized, bearing the names of those who bring forward and support the claims. He would like to see John Neilson's among them.



## SESSIONAL PAPER No. 29b

Montreal,  
Feb. 9, 1824.

Rev. H. Esson, et al. to J. Neilson. Respecting the question of making provision for the clergymen of the Established Church of Scotland.

The writers, noting the fact that resolutions on this subject have passed the House of Assembly of Upper Canada, desire to have similar resolutions introduced into the Assembly of Lower Canada.

They, also, wish to know whether the Bill introduced by the Roman Catholic Bishop to provide for the registration of baptisms, burials, etc., will affect other religious bodies.

St-Ours,  
Feb. 10, 1824.

L. Marchand to J. Neilson. Noting that the markets of Montreal, Quebec and Three Rivers are under discussion, he goes at some length into the history and conditions of the markets of Montreal.

Trois-Rivières,  
Feb. 11, 1824.

P. Bedard to J. Neilson. Thinks it would be well to spend some money for a report of the decisions of the Courts.

Montreal,  
Feb. 17, 1824.

Rev. H. Esson, et al. to J. Neilson. Acknowledging his letter in reply to an earlier one of theirs respecting the participation of the clergymen of the Church of Scotland in the Clergy Reserves. They are anxious that their claims should not be associated with the claims of the Dissenters. They cite the articles of Union between England and Scotland to show the essential difference between the two claims. As regards, at least, the Presbyterian Dissenters, they do not think anything further is requisite, as the Irish, American or Scotch might all avail themselves of the Established Church of Scotland. "The differences which, in the present state, divided this body, vanish in a great measure on this side of the Atlantic."

Montreal,  
Feb. 17, 1824.

Thomas Blackwood to J. Neilson. He signed the letter to Neilson (of the 17<sup>th</sup> February) but has his doubts as to the success of resolutions similar to those passed in Upper Canada. His opinion is based on the action of the Legislature in 1821 on "An Act to confirm certain marriages heretofore solemnized in the inferior district of Gaspé." This Act was simply a second edition of that passed in 1804 "To confirm certain marriages therein mentioned." Both acts imply doubts as to the validity of marriages solemnized in Lower Canada by ministers of the Presbyterian Church, and then take special care in concluding to leave those doubts in full force against such marriages performed after the passing of the Acts.

March 14, 1824.

He suggests the course to be taken in the Legislature respecting the resolutions, if introduced.

P. Bedard to J. Neilson. Believes the votes in the Assembly will remove from it all chance of applying the public funds. Without the Acts of Geo. III, the Government would be resourceless. Hence necessity for perpetual Civil List. Papineau's decline in popularity with the neutrals in Assembly. Neilson appears to be coming into favour with the Government.

Trois-Rivières,  
March 26, 1824.

P. Bedard to J. Neilson. Respecting arrangements for their meeting.

He points out the desirability of a newspaper to support the chamber. This might control public opinion. Where he is, there is no public opinion.

Montreal,  
March 30, 1824

D. B. Viger to J. Neilson. Expressing regret at the news of Neilson's intention not to re-enter public life.

Wants to know if the resolutions of the Assembly respecting Sir James Mackintosh have yet been sent to him.



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Quebec,  
May 19, 1824.

Colonel H. Darling to Col. DeSalaberry. The Commander of the Forces cannot make an appointment to receive a deputation from the Huron Indians as proposed in DeSalaberry's communication.

Montreal,  
June 26, 1824.

D. B. Viger to J. Neilson. Discusses the affair of the *Quebec Gazette*. He states that the right of a periodical publication to its title is the same as any other proprietary right. Rights in literary property have, also, been recognized in Courts and in the opinions of juriconsults. He then goes on to consider by what legal proceedings Neilson could get his rights recognized.

Montreal,  
July 12, 1824.

F. A. Quesnel to J. Neilson. Introducing Mr. DeBresson, Secretary of the Danish Legation at Washington and Mr. Cabal, who are travelling in Canada at present.

July, 1824.

An indenture signed by Charles Langevin, J. B. Renaud and Anthony Anderson, certifying that, as the result of the election just held, John Neilson and Michel Clouet, are elected members for the county of Quebec.

Montreal,  
July 26, 1824.

D. B. Viger to J. Neilson. Learns with pleasure Neilson has reconsidered his determination to retire from public life. Some reflections on public life in a country like Canada.

Montreal,  
Aug. 14, 1824.

D. B. Viger to J. Neilson. The Union scheme was not a lucky one. Discusses probability of British Ministers disagreeing with Government in Canada as to disposition of public funds. Duke of Richmond was said to hold, privately, that contentions of Assembly were correct. Absurdity of Government's distinction between permanent and local appropriations. Rumours of revival of Union Bill.

Montreal,  
Aug. 27, 1824.

D. B. Viger to J. Neilson. Speculates as to why Lord Dalhousie is going to England. Duke of Richmond approved, privately, of Assembly's course as to finances. Ministers, also, it is said. Respecting a bill presented to the House with view to influencing elections, in which it failed. British Government more conciliatory. Canadians at disadvantage on account of language. Lady Selkirk admitted that it was desired to apply to Canadians the policy in force in Ireland. His steady confidence in British Government would be shaken in such a case. He suspected the post office of tampering with his letters.

Montreal,  
Aug. 27, 1824.

D. B. Viger to J. Neilson. Learns of vexation at Unionists at their failure. Their hopes based on difficulties arising from terms of Canada Trade Act, which they thought of opposing. Their doctrine that a colony cannot be subjected to any laws but those published in the colony and by the colony seems to lead towards independence.

Montreal,  
Sept. 13, 1824.

D. B. Viger to J. Neilson. Papineau's state of mind. Viger inclined to disbelieve Neilson's suggestions that the Ministers could have "woven so odious a plot." As to possible action of Assembly, of which Neilson has written. Viger believes that they cannot help union more effectively than by giving an excuse for getting rid of them. Wants to know if local expenditure will not be paid. Discusses case of *Quebec Gazette*.

Quebec,  
Sept. 19, 1824.

J. Neilson to D. B. Viger. Has been informed that Lieut. Governor would have paid all government expenses, if Lord Dalhousie had not referred the question of Local expenses to England. Knows nothing certain about Union matters, but those having correspondence with England think it is coming next year. Reflections on the virtue of patience in politics. Canada has not all her rights but she is



## SESSIONAL PAPER No. 29b

freer than France. Those having nothing to do with politics are as well here as in the freest and best governed country. Let them keep their manners, and taste for hard work, and let them get knowledge, and all will come out right. Though the Assembly are full of contentions, they will show more unanimity in defending their rights than one may think. There is a discussion as to whether the Assembly should not hold matters in virtual suspense until the fate of the Province is settled.

Calais,  
Sept. 24, 1824.

A. Stuart to J. Neilson. This letter is largely occupied with the proposed suit of Neilson and Cowan against the Earl of Dalhousie. He speaks, in addition, of his election for the Upper Town of Quebec, and of the secret influence of the Lieutenant Governor on behalf of his opponent, Mr. Primrose.

When he returns to Canada he intends to take up his residence in Montreal.

Calais,  
Sept. 24, 1824.

A. Stuart to J. Neilson. Thanks for friendly services at the election of the Upper Town. He would have been humiliated by being defeated by such a man.

He gives information of what he has done regarding the affairs of Neilson and Cowan, and discusses the probable results of an action on their part. He suggests consideration of a memorial to the E. of B. (probably Earl of Bathurst), pointing out the judicial abuses of authority. He rather favours the idea.

Sept. 24.

Memo. for Mr. Panet. The principal part of Mr. Neilson's account against Mr. Smith is for printing his History of Canada. That work was printed and bound in boards in 1815, making 600 volumes, but has never been taken up by Mr. Smith. When Mr. Neilson retired from business in 1822, the volumes were deposited with Mr. Cowan, in whose charge they still remain subject to the orders of Mr. Smith. Mr. Smith has been frequently requested to relieve Mr. Neilson from the charge of guarding his property.

Montreal,  
Sept. 25, 1824.

D. B. Viger to J. Neilson. Is depressed over public affairs. Why cannot the Ministry see the folly of crushing those who have every motive for attachment to the Government? Why are Canadians exceptionally treated among British Colonies? He is glad of the agreement of Lieut. Governor as to absurdity of division of expenditures, which he illustrates. Agrees with Neilson as to general well-being of country, but how long will this remain with first principles of government misunderstood and combatted? Deplores lack of communication between Canadians and British Government. Papineau in low spirits, but has hopes for eventual triumph of sound principles. Lieut. Governor has been in Montreal and is much pleased with his reception and what he has seen. Viger inquires as to object of visit of certain members of Imperial Parliament.

Paris,  
Oct. 9, 1824.

A. Stuart to J. Neilson. Respecting Neilson and Cowan's affairs, and current French politics. Is rather pessimistic as regards the future in Canada, owing to lack of cohesion in Legislature, and of steadiness and perseverance indispensable in popular bodies. Has heard that Dr. Strachan and James Stuart had been engaged in framing a Union Bill, though the former is not friendly to the idea. But he does not believe Union will be effected. Hoped to see the agitation regarding the shrievalty of Quebec revived. Bishop MacDonell has been in Paris. Dr. Strachan has been made Arch-



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deacon of Kingston, with promise of bishopric of Upper Canada on death of present bishop. Col. Cockburn and Col. Harvey going out as commissioners on Upper Canada Crown Land business.

Quebec,  
Oct. 19, 1824.

A receipted account of the Commission for managing the Estates of the late Jesuits in Canada against John Neilson.

Montreal,  
Oct. 19, 1824.

D. B. Viger to J. Neilson. Is greatly agitated by news in *Quebec Gazette* of revival of Union scheme. If this disregard of wishes of Canadians is determined upon, there is no use in sending an agent. The measure would tend to overturn the ideas he has entertained all his life of respect for the British Government.

He hears that James Stuart's nomination as attorney general is announced.

Trois-Rivières,  
Oct. 26, 1824.

P. Bedard to J. Neilson. Is pleased with Neilson's comments respecting Union. If the ministers do not wish to hear Canadians again it is useless to worry.

Montreal,  
Oct. 26, 1824.

D. B. Viger to J. Neilson. As to whether reliable information respecting Union is obtainable. It is reported Lord Dalhousie is to have a command in India. This will be agreeable to a man of his acquisitive habits.

Montreal,  
Nov. 1, 1824.

D. B. Viger to J. Neilson. Reflections on re-introduction of Union Bill, which he inclines to attribute either to the willingness of Great Britain to have Canada separated from her, or what is more likely, to the ignorance in England of everything concerning Canada. Lord Londonderry was so much affected by representations of danger to connection between Canada and Mother Country, that he dropped the Union Bill, and, instead, brought in the Canada Trade Act. It is said in London that the English in Canada, in their dislike of the Canadians, were prepared to take the risk of annexation to United States. There is a rumour that the Union Bill is to be set aside, and a Bill brought in for federal union of all the British provinces.

Lord Bentinck will succeed Lord Dalhousie in Canada.

In France they are observing the contradictions which subsist between the free constitution and the monarchical institutions which remain. The Opposition papers complain of bureaucracy, centralization, and *ministerealisme*, the suppression of communal liberties, etc., etc.

Paris,  
Nov. 2, 1824.

A. Stuart to J. Neilson. Asks him to meet the Huron Indian council on his (Stuart's) behalf respecting their claims to the lands at Sillery. It is suggested that Indians prepare a petition to King. Neilson and Cowan's affairs. Sir Gordon Drummond would like to return to Canada as governor. He declined Nova Scotia. He indulges in some reflections on certain political anomalies in France, and their counterparts in Canada. The affairs of the Canada Company. There will be a large immigration from Ireland, but owing to the opposition of the land holders none from the Highlands.

Quebec,  
Nov. 4, 1824.

Sir Francis Burton to J. Neilson. Giving him an appointment to see him.

Montreal,  
Nov. 6, 1824.

D. B. Viger to J. Neilson. There appears to be some opposition to Papineau's continuance as Speaker because he took no part at the benediction of the parish church at Montreal. Is ashamed to mention these puerilities. Regarding the Union question he wonders that the pamphlets printed in London have not reached Canada. He condemns the constant intriguing.



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Montreal,  
Nov. 6, 1824.

D. B. Viger to J. Neilson. Papineau would have no objection to the publication of the letter written by himself and Neilson to Mr. Wilmot Horton, if he could be sure it had been actually published in London. Again discusses the divisions of the expenditures. Believing that good politics is bound up with good morals, would like to see the subject considered in the light of justice and common sense.

Quebec,  
Nov. 10, 1824.

J. Neilson to J. Butterworth, M.P., London. (Draft.) Introducing the Chief, Second Chief and two Chiefs of the Council of the Indians domiciled at Lorette, who are visiting England to lay their case as respects their rights to the land granted to their forefathers, before the King. He gives an outline of their case.

Quebec,  
Nov. 10, 1824.

J. Neilson to Messrs. Underwood. (Draft.) Introducing the representatives of the Indians domiciled at Lorette, and bespeaking their good offices for the representatives.

Quebec,  
Nov. 11, 1824.

L. Juchereau Duchesnay to Chief of Huron Indians. He has laid before the Lieutenant Governor their petition to be put in possession of the Seigniorship of Sillery, of which they were wrongfully deprived by their guardians, the Jesuit Fathers, and His Excellency promised he would immediately forward it to the Ministry.

Montreal,  
Nov. 13, 1824.

D. B. Viger to J. Neilson. Dr. Stewart of the Townships is back from England. James Stuart seems confident regarding the Union. Dr. Strachan showed him a set of papers for and against the Union which had been printed in England. It seems to Viger that the Canadians are like those peoples of ancient times, whose fate was decided as if they were mere possessions. He feels bitterly his mistake regarding the good faith of the British Government. He agrees with Neilson as to propriety of paying £500 to Sir James Mackintosh for his services, but where will they get the money?

Trois-Rivières,  
Nov. 17, 1824.

P. Bedard to J. Neilson. Has communicated to the Trois Rivières Committee the resolutions of the Quebec Committee. Wonders what led Ministers to revive Union scheme. Was it the proceedings of the Assembly regarding the finances?

Paris,  
Nov. 17, 1824.

A. Stuart to J. Neilson. Does not believe British Government will disregard pledge to Papineau and Neilson regarding the Union scheme. Had some gossip on the subject from Bishop Macdonnell. Mr. Stuart regards the scheme not as the malady but the symptom. The malady is the distrust which has been excited in England as to the colony, its feelings and views. The only efficient remedy is to have a Canadian agent on the spot. Does not feel competent to handle the petitions against the Union. The Colonial Office has accepted the terms of the Canada Company and is sending out Col. Cockburn and Col. Harvey as commissioners.

Montreal,  
Nov. 18, 1824.

D. B. Viger to J. Neilson. The Montreal Committee met. The question of remunerating Sir James Mackintosh for his services was discussed. James Stuart is expected home. Papineau is writing to Sir James Mackintosh. Neilson should do the same.

Montreal,  
Dec. 8, 1824.

D. B. Viger to J. Neilson. Learns he was mistaken in stating, of one gentleman that he was opposing Papineau as Speaker for his negligence in church matters. Enquires as to rumour that James Stuart is to be appointed Attorney General, Mr. Uniacke judge, and Mr. Reid chief justice. Speaks of his Bill regarding practice in the Courts.



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London,  
Dec. 14, 1824.

John Davidson to J. Neilson. Has been selected as arbitrator on question of rate to be paid for lands by the Canada Company, in Upper Canada. Mentions the other parties. Does not believe Union scheme will be brought forward. Amendments are to be made in Canada Act, relating to tenures, which indicates nothing to be done regarding Union. Railway building occupies attention in England, which makes doubtful the prospect of Canada getting money for canals.

Bedford Square,  
Dec. 20, 1824.

Jos. Butterworth, M.P., to Lord Bathurst. (Copy.) Forwarding a copy of Mr. Neilson's letter of the 10<sup>th</sup> Nov., 1824, and setting forth the facts on which the claim to the Seignior of Sillery was based, and the proceedings respecting the claim.

Trois-Rivières,  
Dec. 22, 1824.

P. Bedard to J. Neilson. The resolutions of the Quebec Committee have been received at Trois Rivières. The committee at that place would meet again that day.

Trois-Rivières,  
Dec. 23, 1824.

P. Bedard to J. Neilson. The resolutions have been very much approved in their committee, and are being sent on to Montreal.

Dec., 1824.

Resolution of the General Committees of the petitioners of Lower Canada against the Union Bill that Sir James Mackintosh be requested to take charge of the petitions should it become expedient, and to present to the House of Commons the petition addressed to that House, and to entrust the petition to the House of Lords to any member who may be willing to present the same.

Dec., 1824.

Resolution of the General Committees of the petitioners of Lower Canada against the Union Bill that they continue to entertain the most lively gratitude to Sir James Mackintosh and the other gentlemen who opposed the passing of the Bill in the House of Commons, and that they would wish Sir James Mackintosh to support the petitions in opposition to the Bill in so far as he may deem it to be consistent with his duty as a member of the House of Commons, both with His Majesty's Ministers and in Parliament.

(Copy.) A memorial addressed to the Earl of Bathurst by Samuel Mackay, a half pay officer, then of Prince Edward Island, praying against the contemplated escheat of Lot 55 in that Island, which was granted to Francis Mackay, Surveyor General of the Woods, Samuel Mackay and Hugh Finlay. (The memorial throws light on the proceedings taken in the Island, in cases where, for some reason or other, forfeiture of grants was determined upon.)

No date.

A memorandum recognized by Mr. Neilson and Mr. C. L. Planté as being in the handwriting of Judge P. A. DeBonne. It is addressed to the Commission for the management of the Estate of the late Jesuits, and suggests the dismissal of Michel Amable Berthelot from his agency, and of Mr. Planté from his office of Inspector of King's Domaine, and that the concessions to Mr. Neilson if not completed, be stopped, as it is not desirable to encourage persons of such principles.

#### PAPERS CONCERNING THE RELATIONS OF THE PROPRIETORS OF THE QUEBEC GAZETTE WITH THE GOVERNMENT.

Quebec,  
April 6, 1822.

Col. J. Ready to J. Neilson. The Governor General is displeased with course pursued by *Quebec Gazette*. Its perfect apathy towards the interests of the Crown. He has decided that the *Quebec Gazette* shall be published under a commission revocable at pleasure, and the



## SESSIONAL PAPER No. 29b

editor hold his appointment likewise. He is to be paid from the profits of the *Gazette*. If Neilson will continue on these terms, well and good, if not, arrangements shall be made with other persons.

Quebec,  
April 12, 1822.

J. Neilson to Col. Ready. Cannot see that any change has been made in character of paper during the twenty-five years it has been in his hands. Gives a history of the paper since it was founded in 1764. Was considering the transfer of the paper to his son, Samuel Neilson, who seems inclined to agree to the Governor's terms. His intention is to sell the whole establishment to Samuel Neilson and William Cowan.

Quebec,  
April 27, 1822.

Col. Ready to Samuel Neilson. Governor accedes to Mr. Neilson's wish to have the word *Gazette* left out, and to have the superscription "Printer to the King's Most Excellent Majesty." The Governor agrees to the principle proposed by Mr. Neilson regarding the editor and his compensation, but would like him to be more specific.

April 29, 1822.

A memorandum prepared by John Neilson for his son and Mr. Cowan respecting the relations between him and the Government.

Quebec,  
June 21, 1822.

A. W. Cochran to Samuel Neilson. The latter is appointed King's Printer. Hereafter every paper should bear the words "Printed by Authority," and at the end "Printer to the King's Most Excellent Majesty."

Aug. 29, 1823.

John Charlton Fisher to S. Neilson. He has been appointed editor of the *Quebec Gazette* by a commission under the Great Seal. Asks Neilson as to terms on which they can unite.

Aug. 30, 1823.

A. W. Cochran to S. Neilson. Notifying him of Mr. Fisher's appointment, and asking him to give the latter all necessary information.

Sept. 4, 1823.

S. Neilson to Mr. Fisher. Will give him information on any point mentioned by him.

Malhiots' Hotel,  
Sept. 6, 1823.

J. C. Fisher to S. Neilson. Asking for information respecting his compensation, adding that this is really a question which should have been settled between the Government and Neilson.

Sept. 9, 1823.

A statement of the net average revenue of the *Quebec Gazette* for six years ended 1<sup>st</sup> Jany., 1822, and the revenue for one year ended 1<sup>st</sup> May, 1823.

Sept. 24, 1824.

J. C. Fisher to S. Neilson. Respecting his relations to the *Gazette*. Reminds Neilson that it depends upon the Government's patronage for its right to be the *Quebec Gazette*, or official organ of Lower Canada. He himself is not a mere *Gazette* writer, but a principal, an officer responsible to Government alone. As between the printer and editor, the latter held the superior position. He cannot consider an offer of one-third of the profits from the Government business. Is willing to take one-half the profits.

Oct. 2, 1823.

S. Neilson to J. C. Fisher. Cannot see his way to increase the offer he has made. If the Government business is withdrawn, he will bear the loss philosophically.

Oct. 2, 1823.

S. Neilson to A. W. Cochran. Giving Mr. Cochran the substance of his reply to Mr. Fisher, and discussing the matter again.

Oct. 2, 1823.

S. Neilson to J. C. Fisher. Cannot accept Mr. Fisher's terms.

Oct. 3, 1823.

J. C. Fisher to S. Neilson. With further reference to the proposition declined by Neilson.

Oct. 10, 1823.

A. W. Cochran to S. Neilson. Neilson's commission as King's Printer is recalled, and the publication of the *Gazette* will be left entirely with Dr. Fisher as editor of the *Gazette* and King's Printer.



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- Oct. 11, 1823. Draft of a letter in Samuel Neilson's handwriting but not signed nor addressed. As regards the recall of his commission, the *Gazette* will be conducted without any connection with the Government. It will be carried on after the manner of its predecessor, and its columns will always be open to a firm but temperate support of the constitutional rights of the subject, and to writings tending to advance the interests of Canada and the happiness of its people.
- Quebec,  
Oct. 12, 1823. Statement of the case prepared for the opinion of Andrew Stuart by Neilson and Cowan as to the right of the Government to publish its notices in any other paper, even supposing it took the same title. Mr. Stuart gave it at his opinion that the notices referred to in the Provincial Ordinance 25 Geo. III, c. 2, s. 33, can only be published in the *Gazette* then known by the name of the *Quebec Gazette*, and still subsisting under the same name. The remedy for an infringement of the right is either by injunction or by action for damages.
- Quebec,  
Oct. 23, 1823. Opinion of Mr. Vallière de St. Real on the case submitted to him. He believes that the owners of the *Quebec Gazette* have a right of action, holding that His Majesty's Government can no more authorize or commission a man to be the editor of the *Quebec Gazette*, than to be the occupier of the house and premises now possessed by the present editor of that paper.
- Oct. 23, 1823. W. S. Sewell to Neilson & Cowan. Instructing them to continue advertising the cases commenced in the *Quebec Gazette* until he instructs them to the contrary.
- Oct. 27, 1823. *Quebec Gazette* to A. W. Cochran. Offering to come to any reasonable arrangement for obviating the injury to themselves and the inconvenience to the public, which would arise from the publication of another newspaper.
- Oct. 28, 1823. Neilson & Cowan to Thomas Cary & Co. Notifying them that they will be held responsible for any damages arising to Neilson & Cowan from the publication of another newspaper by their office, bearing the title of the *Quebec Gazette*.
- Oct. 30, 1823. W. S. Sewell to Neilson & Cowan. Notifying them that, in consequence of the Governor's proclamation of the 30<sup>th</sup> October, he was withdrawing his advertisements and his subscription.
- Montreal,  
Nov. 1, 1823. Henry Loedel to Neilson & Cowan. Notifying them that as the *Gazette* is no longer the Government paper, he wishes to discontinue his subscription.
- Quebec,  
Nov. 4, 1823. Herman W. Ryland to S. Neilson. In answer to his letter of even date, asking to have communication of documents lodged in the Privy Council Office. Mr. Ryland says that without an order from the Governor, any disclosure of public documents would be a breach of trust.
- Quebec,  
Nov. 5, 1823. A. W. Cochran to S. Neilson. In reply to his request for information as to complaints against him as King's Printer. Mr. Neilson is informed that His Excellency does not deem it expedient or necessary to make known to him further than has already been done by letter of the 10<sup>th</sup> October last, the grounds and reason for which the Commission granted to him was recalled.
- Dec. 23, 1823. A. Stuart to Neilson & Cowan. Promising attention to the case in the Easter Holidays.
- Quebec,  
April 15, 1824. S. Neilson to H. W. Ryland and to A. W. Cochran. It would be necessary in carrying on the case, to have copies of any entries in



## SESSIONAL PAPER No. 29b

Kings' Bench,  
Quebec,  
August 1824.

the Register of the Executive Council respecting the cancellation of his commission as King's Printer, or the advertisements required by law to be inserted in the *Quebec Gazette* asking to be informed as to the names of the Councillors present in Council at the time to which such entries relate; and asking each of these gentlemen to have the information furnished to him.

Samuel Neilson applied for a Mandamus directing the Sheriff to cause to be printed in a newspaper published by Samuel Neilson under the title of the *Quebec Gazette*, all advertisements required to be published in the execution of his office, when lands and tenements are seized to be sold. This was denied.

On the same occasion Samuel Neilson applied for and was refused an injunction restraining John Charlton Fisher from printing the said advertisements in the *Quebec Gazette* (a paper purporting to be printed by him as Printer to the King).

Opinion of N. C. Tindal of the Inner Temple (afterwards Sir Nicholas Conyngham Tindal, Chief Justice of the Court of Common Pleas) on a case submitted to him on the 13<sup>th</sup> August, 1825.

For reasons which he gives he does not believe that an action is maintainable.



## APPENDIX H.

## ABSTRACTS OF POLITICAL CORRESPONDENCE RELATING TO UNITED STATES (1780-1781) IN THE MINISTRY OF FOREIGN AFFAIRS, FRANCE.

Vol. 12. 1780.

Philadelphia,  
May 10.

La Luzerne to Vergennes. No. 45. The United States will have more troops this year than at any time since the beginning of the hostilities. The enlistments to last the whole time of the war.

The financial bill of the 18<sup>th</sup> of March adopted with eagerness by Connecticut and Massachussetts. Opposition shown on this subject by Pennsylvania. Bitter criticisms from Pennsylvania against the new financial operation, and against Congress, the author of it.

Fears of the defection of the two Carolinas and Virginia, if Charlestown is taken. The war is more ruinous for the Southern than for the Northern States. The land troops are extremely slow in their movements. Conjectures about the plan of campaign which the British intend to follow in America. Their main object in the North is to preserve Penobscot, and, in the South, Georgia and the two Carolinas. They are bent on detaching these from the Confederation. Virginia, with an active Government, exhibits great zeal for independence. North Carolina is but a passive body. The last news from Charlestown shows that it is completely surrounded by the British army and fleet.

p. 12

Philadelphia,  
May 20.

La Luzerne to Vergennes. No. 49. M. de la Fayette communicates to La Luzerne the instructions which were given to him, and what he has agreed on with General Washington.

Reasons which have overcome the reluctance he felt about communicating to Congress the approaching arrival of M. de Ternay. Consternation in New York after the news of M. de Ternay's arrival. Pavements were taken up and fire-ships were built.

A memorandum has been handed to Congress, acquainting them with our measures and the assistance which we are sending them. Gratification of Congress on receiving the news of the assistance sent by us. Congress does not wield sufficient powers for exacting from the States the assistance necessary to the success of our operations. This is the reason which forced him to acquaint the governors of the various States with the generous exertions of the King in their favour. Several persons think that our operations are planned against Canada. He encloses the resolution of Congress and the letter which they are sending to the governors of the thirteen states. He also encloses a letter from M. de la Fayette to Vergennes.

Arrangements made in Rhode Island and at the capes of Virginia to receive MM. de Ternay and de Rochambeau. There are 7,000 men and several ships before Charlestown. The British forces at



## SESSIONAL PAPER No. 29b

New York number about 8,000 men. Positions of the American army: divided into three corps; one at West Point, another under Washington, and the third in Charlestown. The general desires that all his forces appear suddenly before Sandy Hook. M. de la Fayette wanted La Luzerne to invite M. de Guichen to come to North America, but La Luzerne would do no more than what he has already done. Gratitude of the United States for the relief in men forwarded by the King.

M. de la Fayette is busy with a plan against Canada or Halifax, in case of a failure against New York. La Luzerne only mentioned to him that it would be wrong to provoke a rising of the old subjects of the King against England, without being sure of maintaining their independence. There is general approval of an expedition against Canada. They want to free her, not to keep her, but in order better to dictate terms on the question of boundaries. Washington can show no reason for refusing this undertaking. Penobscot, Georgia, Carolina, Bermuda may form the object of operations for the combined armies. They will afford him the means of diverting the attention of the states from this expedition to Canada. Besides other motives, we must consider as odious the design of exciting the Canadians and Acadians to rebellion and independence in order to exchange, at the peace, their territories against the American provinces that might then be held by the British.

Proofs of the good dispositions of the Northern States towards the Southern. Brigade of Maryland sent to the relief of the Carolinas.

Time when M. de Corni is expected who is charged with provisioning our troops. Misunderstanding which caused M. de Corni to bring along only a sum of 50,000 livres. Measures taken by La Luzerne to supply provisions. His reasons not to postpone taking dispositions with M. Holker in that matter. Hope that the troops will be provisioned from the moment of their landing. Questions of lesser necessity which La Luzerne will suffer to lie, unless the instructions, of which M. de Corni is the bearer, give special directions. P.S. Charlestown is ready for a vigorous defence.

p. 20

Philadelphia,  
May 31.

La Luzerne to M. de La Fayette. (Copy.) Concerning the requisitions of M. de Corni. He has succeeded in borrowing 600,000 livres at reasonable conditions. A distinction must be made between necessary measures and secondary operations. The first he has helped forward to the utmost of his power, referring the others to General Washington. We must do our best not to create, by unexpected treaties, embarrassments to the minister of Finances. He must strive to carry out the instructions of M. de Rochambeau. Taking the risk of disapprobation, he will do everything to gather the necessary funds for an attempt against New York, Penobscot, Halifax or St. Augustine. Southern operations must be given up for this summer.

As to Canada, we must sincerely wish and strive to free it in order to the tranquillity of the States, but Congress is convinced that this expedition ought to be deferred till the enemy has been cleared out of the thirteen states. Consequently if New York is the only object in view, the requisitions might be greatly reduced.

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4 GEORGE V., A. 1914

Versailles,  
June 3.

Vergennes to La Luzerne. No. 7. Satisfaction felt on receiving the assurances of Congress of their attachment to the alliance. One party in America favours the idea of securing its independence by treating directly with England without our cooperation. Sorry to see the dissension existing in Congress. The instructions handed to Mr. Adams are such as to remove our fears about the fisheries. He encloses a copy of their declaration relating to some articles suppressed in our treaty of commerce with the United States. La Luzerne is requested to deliver it to Congress.

Orders will be forwarded to our islands for the re-establishment of the duties to be paid on molasses. They ought to be abolished, but before, they want to know whether the extract from maize-canes can replace molasses in the islands. They have no objection to the bill of Pennsylvania in behalf of the French residents there, so much the less that it will restrain French immigration.

The King has appointed French consuls at the most important places in America. Their authority will be extended to all the French in their districts.

Approbation of the reasons brought forward by La Luzerne to convince Congress of the necessity of exerting all their resources for a vigorous campaign. False assumption in America that a mediation is on foot in Europe towards a peace. The result of Clinton's expedition will decide whether or not the United States can cooperate in the conquest of the Floridas.

He thinks that Florida will not become a cause of difficulties between Spain and Congress. Spain, by its conquest of these territories on the east side of Mississippi, is entitled not to deliver them up to the Americans. La Luzerne must abstain from all ministerial conversations concerning the pretensions of Spain and the United States to the territories on the Mississippi. The Spanish minister is ready to grant to the States the east bank of the Mississippi beyond the Floridas and the navigation of the river. La Luzerne must negotiate with Congress in writing as little as possible.

Like Congress, he holds that the ratification of our treaties to be asked for from each States constitutes an encroachment on the authority of Congress. La Luzerne must tell them that for France Congress is the supreme power, and that it belongs to it, and not to us, to solicit the individual ratifications.

The step taken by Congress for stopping the depreciation of its paper-money is a considerable blow to French merchants. Representations to be made on this question.

The King expects gratitude from Congress for his sending a fleet and a body of troops. Arms and ammunition have also been supplied to Congress. They have obtained a loan to Franklin for clothing. Memorial of interest to the Duke de Melfort, and a memorial with a power of attorney from M. Guerlavais Du Bourg are enclosed.

p. 38

Philadelphia,  
June 3.

La Luzerne to Vergennes. No. 51. Arrival of M. de Corni at Philadelphia, May 27, who has communicated to La Luzerne his instructions. The purchases which he is intrusted with amount to 1,200,000 livres, while he has brought along but 50,000 livres tournois. M. de Corni has declared that he relied on La Luzerne to procure the necessary funds in order to carry out the provisioning of the



## SESSIONAL PAPER No. 29b

troops. But he is at loss, for lacks of instructions as to complying or not with the request of M. de Corni. Nevertheless he decided to help him and borrowed from Mr. Price 200,000 livres at one-half per cent. interest per month. Besides he has accepted 235,000 livres of paper-money just issued by Pennsylvania. With some other sums to be obtained the total will only reach about 600,000 livres. M. de Corni has drawn letters of exchange on the treasurer for war for about 200,000 livres. The more pressing and necessary dispositions and purchases for the King's army are keeping them busy. Enclosed a letter on that head written by him to M. de la Fayette. As wagons and cavalry were not needed against New York, he decided to reduce these expenses.

At the same time, not to furnish the means of undertaking it, was the best way of removing the idea of an attempt against Canada. He begs for orders in the case of unforeseen wants requiring new loans.

He wishes the financial department would be transferred to someone else. He foresees that, in the case of the King's army not arriving in time to enable him to effect the promised re-imbusement, it will be necessary to resort to letters of exchange on Europe to fulfil his engagements, and to sell at a loss what they bought for the King. Thus he presumes he will be under the obligation of drawing for 100,000 livres on the Treasurer for War.

The state of affairs in the South is getting worse every day. Sullivan at Fort Moultrie, in the harbour of Charlestown, was forced to capitulate in May. It is very important that the town should hold out long enough to prevent parts of the British troops from returning to New York before the arrival of the French ships and troops. The success of the campaign hinges on a question of days.

p. 57

Philadelphia,  
June 11.

La Luzerne to Vergennes. No. 54. His arguments about the limits between Spain and the United States have produced great effect on several members of Congress. The delegates from the Northern States admit Spain had a right to conquer the old east Louisiana. Congress also approves of that principle. The delegates of New Jersey, Delaware and Pennsylvania are opposed to the Spanish claim, which is favoured by Maryland. Virginia is now more moderate in its opposition to Spain, the change is due to the fact that the border people of this state talk of independence. North Carolina is strongly opposed to the Spanish claim, while South Carolina admits the right of Spain to Louisiana. If it came to a vote, he thinks that the majority would acknowledge the right of Spain to attempt a conquest of Louisiana. On the question of ceding this province to Spain by a treaty, the Northern States would stand by the sister states in the hope of being upheld by them in their claim to some parts of Canada. In the present situation, he is of opinion that Spain can do nothing better than to go on with the conquest of Louisiana.

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Philadelphia,  
June 24.

La Luzerne to Vergennes. No. 57. Rumours of the evacuation of Penobscot by the British, who are alarmed about Canada and Nova Scotia: 1,500 men from New York have sailed north either for Halifax or for Quebec. They fear also for New York. Clinton



4 GEORGE V., A. 1914

has returned there with 2,500 troops from Charlestown. Part of them were sent to General Kuyphausen, posted at Elizabethtown, to feel the strength of Washington.

The enemy, relying on the lack of provisions, had circulated handbills through the Continental army, exciting them to desertion, with promise of great reward. Though badly fed and clad, they did not flag, and desertion was not noticeable. The Jersey militia behaved well.

Washington's army has been greatly weakened by sending detachments to the south and even against the Indians, who have been devastating round Saratoga. Fears were felt for the post on the North River, which moreover is without provisions. In this situation, he lent them provisions from the stores gathered for the French army.

There is appearance of a good commissariat for the campaign. An association of citizens and merchants has subscribed five millions livres tournois to purchase provisions. This will correct the defects of the former administration.

The violences committed in New Jersey by the British and German troops contribute in raising public spirit and fortifying the American hatred. On the South, the British soldiers follow an entirely different course of conduct. After the taking of Charlestown, the militia were ordered by the British back to their homes under condition of serving no more against the King, which they accepted with pleasure. All kinds of insinuations are resorted to in order to detach the South Carolinians from the Union. These speeches are not ineffective with the irresolute.

But while one part of Congress firmly sticks to the plan of freeing the thirteen states, another part seems inclined to neglect the states which are less anxious about independence.

An expedition against Canada is secretly talked of, as being the most glorious and practicable undertaking for the combined armies.

The British appear to be abandoning the reduction of the northern states, flattering themselves that they will detach the southern states from the confederation. They have issued a paper setting forth the advantages for these states of being re-united to England. General Leslie remains as governor of Charlestown with 2,000 men. Cornwallis with a considerable body of troops, covering 50 leagues, has reached Camden, defeating an American party. The Maryland troops are marching against him.

It might be possible that England would acknowledge the independence of the ten northern states, still retaining the two Carolinas, Georgia, East Florida and the Bahama Islands. But Congress will not swerve from its attachment to the general interest, and its engagements with the King.

Great Britain will most likely attempt to keep New York, which stops the American forces on their way to Canada, and is besides a most important post for all naval operations. General Lincoln has returned from Charlestown. He is strongly criticized and strongly supported at the same time.



SESSIONAL PAPER No. 29b

Vol. 13, 1780.

Philadelphia,  
July 7.

La Luzerne to Vergennes. No. 60. The people of Georgia and South Carolina are wavering in their attachment to the cause of independence: 200 citizens of Charlestown have requested to be re-admitted to the status of British subjects. Though mainly people without property or prestige their example was followed by some important landowners. Instead of returning, the governor of Carolina is stopping here under the pretext of settling the plan of operations in the South. It will be difficult to stop English progress and this country may become the main theatre of the war. The people of Charlestown were very lukewarm in defending their town and the country people exhibit great reluctance in taking up arms. If their liberty is recovered, they will owe it to the northern States. Owing to this backwardness, the eastern troops have a great dislike of expeditions to the south.

As a result, there is an opinion, if New York is taken or left aside, of contemplating an expedition against Canada. Massachusetts, and Mr. S. Adams, consider its independence as the safety of this state. It is well to keep the British in dread of an invasion, yet he judges it necessary to carry out his instructions and recommend the postponement of all foreign expedition as long as the thirteen states are not completely free from the British. His suggestions seem to have carried with them the necessary conviction. M. de la Fayette, though anxious for the freeing of a former French colony, agrees with him that this expedition must be postponed. The state of affairs for a long time will not allow an opportunity of taking it up again.

The British are being closed up in Charlestown. Cornwallis is still at Camden. The British are in possession of several important posts. Great hope is placed in General Gates, who is marching against them to keep them at bay.

p. 15

Camp in New  
Jersey,  
July 19.

(?)

La Fayette to Vergennes. In May, from Chesapeake Bay to Canada there were only 7,000 men. Congress had no money; the army, no bread. Then Charlestown surrendered. But in order to co-operate with France, great exertions were made by Congress, Washington, and the citizens. Next month, 14,000 men of good troops and 6,000 militia will be ready to act against New York. With another 6,000 militia and the second body of troops expected from France, our prospects of the expedition are very hopeful. Gates' army will be reinforced by southern recruits. A naval superiority is the great object impatiently expected. The American officers and soldiers have not a shilling, but every one will fight well and live in harmony with the French troops.

Before their arrival, he wrote to the French generals, informing them that Admiral Graves had joined Admiral Arbuthnot. He is now going to meet them, by command of Washington, to decide upon the plan of campaign. Washington insists on undertaking nothing without their participation. La Fayette is of opinion that, after a success against New York, operations should be directed against Georgia and South Carolina. Then they might go to Canada. Of course, there is a great difference between a plan and its execution. But he trusts that our naval inferiority will not last long and that



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Philadelphia,  
August 3.

reinforcements will arrive. Thanks to La Luzerne the French army will be supplied with practically everything. p. 21

La Luzerne to Montmorin. No. 7. The main questions of interest to Spain have not been discussed since his last letters. Mr. Rutledge, governor of South Carolina, is pressing Congress to deal with the measures relating to the Southern States. He told me that in January he sent for assistance to Havannah, but the Spanish governor answered that his instructions were for an expedition against the Floridas.

Mr. Rutledge asked whether the combined fleet, now in the gulf of Mexico, could make an attempt against Charlestown. La Luzerne answered he did not know, but that the best way of bringing a co-operation would be to settle the western limits. Rutledge appeared to have no knowledge of the question. La Luzerne informed him that Spain would restrain her claim to the former East Louisiana. The proclamation of the British King to be used to determine the western limits of the colonies, to prevent any difficulty. Spain desired the concurrence of Congress in these matters because of her wish for a perfect understanding with the thirteen states.

Rutledge consulted the journals of Congress and to-day made use of Burke's arguments, which La Luzerne refuted. Rutledge confessed that the people of Virginia, Carolina and Georgia considered their claims as unassailable, and any such measures would cause a perpetual war between Spain and the people of these countries. La Luzerne answered that Spain would easily get rid of such a war and the thirteen states would suppress it.

Rutledge objected that Spain might rouse the Indians against the colonies, but La Luzerne represented to him the peaceful moderation of Spain, but admitted that, on the same principles, Spain might conquer Canada and Nova Scotia, the colonies having no right of opposing her. Rutledge confessed it is not so much the State, as some individuals, who strove for these extensions. If not converted, Mr. Rutledge has been moved. If Spain desired the instructions to Mr. Jay to be changed, she should be represented by an influential member, who would oppose the Southern pretensions. Mr Jennifer, Maryland delegate, is the only one fit for this task, as he holds the same view.

Philadelphia,  
August 7.

*Summary of a poster published in New York with the authorization of Mr. Clinton.*

Unprovoked hostilities by the Spaniards have brought His Majesty to order Major-General Dalling, governor of Jamaica, to attack the Spanish provinces.

General Dalling has authorized the signer to raise men for this expedition. Every kind of assistance will be given to volunteers.

It is hoped that many will desire to return to their duty, and generous souls will take this opportunity of relieving the suffering Indian nations. The difference between gold pieces and rag paper-money may perhaps be another motive of preferring a profitable to an unbeneficial service. The present paper is specially addressed to those who forgot their duty, but want to make amends.

Those enlisting 50 men, will command them with the rank, pay, share of booty and land grants allowed to a captain.

Officers, at the advanced posts of the army, will receive the volunteers.

(Signed) William Odell.



## SESSIONAL PAPER No. 29b

Sir Henry Clinton, commander-in-chief, has given his approbation of the expedition. All encouragement will be given to volunteers by this province.

(Signed) James Robertson, Governor.

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Philadelphia,  
August 25.

La Luzerne to Vergennes. No. 73. Congress has, some days ago, received a letter from Mr. Jay, giving an account of his negotiation with the Spanish Ministers. The Court seems disposed to assist Congress. It proposes to advance them from 30 to 40 millions pounds sterling and secure the payment of the letters of exchange drawn on him. He highly praises Spain's good faith towards the States. He is much pleased also with the French ambassador.

The Court made suggestions relating to the Mississippi and the western limits. He adds that Madrid is not far from granting the colonies the navigation of the Mississippi with restrictions. As to the boundaries, Mr. Florida Bianca has pointed to Cape St. Anthony and another cape as the land marks.

This occasioned a long discussion, and a committee was appointed to study the question. As La Luzerne was not sufficiently instructed in this matter, instead of sending a ministerial note to Congress, he interviewed the individual members. Mr. John, a delegate from Pennsylvania, has instructions to claim the free navigation of the Mississippi and freedom of trade. The country between the Ohio and the Mississippi, they always considered as their own. The Spanish claim would take away from them their finest possessions. Besides the settlers will never submit to pass under Spanish rule. As to the Mississippi, it is the natural outlet of the country and it will be impossible for the States to prevent them from using it. La Luzerne answered that Spain, having conquered the British forts and built others, would be able to control the whole navigation. Instead of claiming it as a right it would be better to ask it as a favour. As to the western boundary, Spain had a right of possessing herself of the English territories. She would probably be satisfied with the former French possessions.

Mr. John replied that, if Spain, disregarding the charters of the thirteen states, pretended to a right of conquering all territories in the hands of the British, then Georgia, South Carolina, and even the city of New York, were not protected against Spanish arms. La Luzerne answered that Spain had such a right, but, in consideration of her friendly dispositions, her alliance with France and geographical situation, this objection has no weight. From this and other conversations, he thinks Congress will give Mr. Jay such instructions about the Mississippi as will please the Court of Madrid.

So far, he has only insisted on smoothing the difficulties preventing the conclusion of a treaty. Individually, the members are docile enough on this point, but, when in Congress, they are moved by the dissatisfied few. The northern delegates support the southern States by fear of being deserted by them when the question of Canada comes up. Not being informed of the intentions of Spain, Congress will experience difficulty in framing instructions to Mr. Jay. Enclosed a poster from New York.

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4 GEORGE V., A. 1914

Philadelphia,  
August 26.

La Luzerne to Vergennes. No. 74. Congress has adopted a resolution, enabling Washington to undertake with the French General, what he thinks most beneficial to the States, removing at the same time the clause limiting him to their territory. An eastern delegate explained to him that this resolution will make it possible to carry the war to the enemy's territory. The worst that might come out of it, would be to make an exchange at the peace.

La Luzerne is of opinion that England will prefer the southern provinces to Nova Scotia and Canada, as more important and helpful to the British West Indies, though Canada has become of great trade value, and Nova Scotia is very useful to the fisheries.

Consequently he postponed, as long as he could, the change in Washington's instructions. If contrary to his declarations to him and the southern delegates, Washington thought of an expedition against Halifax and Quebec, Rochambeau could always offer a way of stopping him, by declaring that his orders and commission restrict him to the defence of the thirteen states. Besides the means are lacking for such an expedition. Everything is suspended till the arrival of the second French reinforcement. p. 47

Rhode Island,  
September 10.

De Ternay to Vergennes. The army did not land at the most advantageous place. We stand upon the defensive. The British fleet is in every way superior. Canada presents facilities for a conquest. The fate of America is uncertain, and the revolution is not as much advanced as it is believed in Europe to be. He requests to be free in expressing his ideas. He is of opinion that, if the state of inferiority continues, it will be necessary to go further for offensive action. p. 52

Philadelphia,  
September 14.

La Luzerne to Vergennes. No. 79. Congress has communicated him details of General Gates' defeat. The situation of the Southern States is far less critical than it was at first thought. The defeat was caused by the militia running away at the first fire. Very few were captured. The regular troops, attacked by superior forces, and deserted by the militia, still put up a glorious fight. Baron de Kalb was mortally wounded, receiving three shots and light bayonet thrusts. The fight lasted a quarter of an hour. General Smallwood brought up the retreat in good order, repulsing and defeating the charging cavalry. Almost all baggage and artillery lost. The enemy had not more than 2,000 men, and lost about 500.

The dread of Cornwallis invasion produced salutary effects. The Southern Governors were assured that 8,000 men will be on foot by October 25<sup>th</sup>; 4,000 are already gathered. Only the lack of arms may impair the strength of this army. But when danger is over, Americans are apt to relapse into their lukewarmness. Besides, present resources can hardly supply new army baggage.

It is not to be feared that the British will advance further north, not being in sufficient numbers. But the southern people may get discouraged by this defeat. Necessity therefore of encouraging the Southern States, if possible, by a winter expedition, against Charlestown. Even a failure would produce good results, by showing they are not lost sight of.

Enclosed letters from Gates to Washington and Congress. Baron de Kalb died two days after the defeat. Till the last, he was anxious to show his devotion to the United States.



## SESSIONAL PAPER No. 29b

M. de Ternay has signed contracts for the provisioning of his fleet. The conduct of M. de Rochambeau, preferring to lodge his troops, not in barracks, but in houses ruined by the British, in order that, at the end of the winter, they may be returned to their owners in good repairs, has produced very agreeable feelings.

Tuscarora and Oneida Indians have been entertained by Rochambeau. Capture of a part of the Quebec fleet loaded with goods for the Indians. p. 54

Philadelphia,  
September 30.

M. de Marbois to Vergennes. No. 85. Congress adopts a resolution that its president should hold office for a term of one year. This will take effect next year, and the president, Mr. Huntington, is continued in his functions. He is an assiduous, modest man, without partizanship, though not a very representative man. He holds good principles concerning the alliance.

The contest between New York and Vermont has come up before Congress. The facts will be found in the enclosed memoir. Debates have taken place in Congress about this question. New York and New Hampshire were well prepared, Vermont had sent delegates, representing the two existing groups, one styling themselves independent, the other ready to abide by the decision of Congress.

An extraordinary meeting of Congress was held. Great agitation and diversity of feelings prevailed at this time when they should be united. His memoir was drawn after reading the original documents. The charters of the various States were found contradictory, inconsistent, and even ridiculous. Victoriously supported when turned against Spain, they are now contemptuously treated. The principles of possession and occupation were of no avail to get out of the tangle. Then the question of the independence and admission of Vermont into Congress was taken up.

A few weeks before, an almost similar request of Kentucky had been turned over to the legislature of their state, Virginia. Kentucky's threat of throwing her lot in with the first country willing to protect them did not attract attention, owing to their remoteness from any British settlement. But Vermont, with her warlike population, her services to the cause, and her proximity to Canada, attracted the greatest attention of Congress.

Moreover, Massachusetts and New Hampshire claim rights to Vermont only to oppose New York's claim. Massachusetts, if granted Vermont, was ready to make it independent. The New England States would welcome a new vote, siding with them. But the Southern delegates, discovering this, say that it would encourage similar demands. Besides they are opposed to Vermont's admission, unless a new Southern State is also admitted to balance it.

Congress has resorted to a middle course, declaring Vermont within American territory, but without deciding to which State it should be annexed, and postponing the consideration of Vermont's admission. This is to keep up their hope and prevent violent measures.

A petition was made by a society claiming extensive land tracts on the Ohio. This society is opposed not only by Virginia, but also by Congress, the latter claiming that these land tracts were reserved for the payment of the States' debts and for distribution to officers and soldiers after the war.



4 GEORGE V., A. 1914

A letter from Havana reports that M. de Galvez was to sail the 15<sup>th</sup> September to lay siege to Pensacola with six ships and 4,000 men. An expedition is being prepared against St. Augustine under M. de Navia, land commander, and M. de Solano, naval commander. Letters from Charlestown mention that the British have sent a Hessian regiment to St. Augustine.

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*Historical Memoir on the origin and claims of Vermont.*

Vermont—in English, “Green Mountain”—is situated on Otter creek, between the Hudson and Connecticut rivers. It is bounded on the south by the northern frontier of Massachusetts; on the west by a line twenty miles distant from the Hudson river, and parallel to that river, and by the eastern shore of Lake Champlain; on the north by the 45<sup>th</sup> degree of latitude; and on the east by the right bank of the Connecticut.

This territory was included in the colony of Plymouth, and New Hampshire claims to have inherited the rights thereof, and her governors have granted several concessions there.

Later New York asserted that the district was situated within her limits, and her governors have granted to several families lands in the territory now in dispute.

The Government of Massachusetts in its turn granted 60,000 acres near Otter creek to people from Connecticut, in return for two districts ceded by that state. Hence arose discussions between New Hampshire and Massachusetts. These two states and New York are “royal governments,” that is to say, the King is their paramount sovereign and territorial lord, administrator through his officers, and sole legislator, whilst in the “charter governments” the King has almost no other right but that of veto. In 1739 the King and his Council decided that the 60,000 acres should be annexed to New Hampshire.

About this time New York determined to put in force its titles, and made grants freely, for which the patentees paid large returns. New Hampshire and Massachusetts seemed indifferent. In 1764 New York obtained jurisdiction over the lands in litigation, and in 1771 incorporated in the county of Albany certain districts of Massachusetts. The quarrel revived, and in 1774 the three governors decreed that New York should not advance beyond twenty miles from the Hudson.

Vermont seemed then to belong to New York. Numberless concessions were made without respecting even the rights of occupation and clearance in the settlers from New Hampshire and Massachusetts. These last complained to the King and demanded to be maintained in their possessions: otherwise, being veteran soldiers, they could see well to their defence. The King forbade New York granting lands already cleared, but the governor, being little disposed to surrender money received, set up counties just the same in the region of the cleared lands. New York which was called the “favorite colony,” had the credit of having the orders revoked. Magistrates were sent to arrest the refractory settlers, but these seized them and horse-whipped them. Animosity became so great that arms were taken up. New York issued a proclamation the 9<sup>th</sup> of March, 1774, and Vermont another the 26<sup>th</sup> of April. Skirmishes took place, but the troubles between England and the colonies put a stop to this civil



## SESSIONAL PAPER No. 29b

war. The Vermonters hesitated as to which side to take. By their position they commanded the road between Canada and the Colonies. They hated England, but New York even more. Finally, they fought for Congress, hoping to obtain by their services its protection. They had a leading rôle at Bennington, which brought on Saratoga.

On the 15<sup>th</sup> of January, 1777, although abandoned by New Hampshire, tyrannised over by New York, separated from England, they were free and independent.

They drew up a constitution, and secured civil and military officers, announcing that they would act in accordance with the principles which had aroused them against England. They laid down the principle that New York's titles, having emanated from England, had become void through the passing of her authority.

Believing that moderation would pacify them, New York issued patents confirming the concessions of New Hampshire and Massachusetts, offering likewise a general amnesty. But the Vermonters on the 9<sup>th</sup> of August, 1778, announced the resolution of maintaining their independence. New York offered to submit the matter to Congress. They replied that New York was not a party to the proceeding; that it was now only a question of deciding regarding the proprietorship of certain lands between divers contendants, not obliged to recognize the decision of Congress; that Congress had recognised their claims by accepting their aids against Bourgoyne; that they were still ready to send contingents; and that amongst their titles to independence the most glorious was of having had such a splendid share in the defence of America. Acts of the last war were cited, and concessions of the Governors of Canada, even to the south of Crown Point, to prove that the limits of the Thirteen States did not extend to the St. Lawrence.

Congress listened to the arguments on both sides, but its decision is not yet public.

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Vol. 14. 1780.

Philadelphia  
October 17.

M. de Marbois to Vergennes. No. 91. M. de Marbois advises the President of Congress not to present to Spain the demands of the colonies as founded on rights, but to seek their success from the generosity of His Majesty. He has induced Congress to reassure her by its moderation so as to have her accede to our treaties. M. Mirales' secretary communicated to him the titles by which Spain claims eastern Louisiana, but he has contented himself with speaking about them to Mr. Jennifer. With this delegate they answered with the observations of which a copy is enclosed. On reading them, several members of Congress demanded the reconsideration of the question. In spite of the opposition of the North-Eastern States, the motion passed by two votes. A long discussion followed. With the exception of Rhode Island, the States of New England supported those of the South, saying that it was useless to change Mr. Jay's instructions, since he hoped to obtain the agreement of Spain, and at the favourable moment the United States could conquer as well as Spain. They were asked if they wished to fight Spain and France. The Eastern States seem to wish to defer peace as much as possible. They are convinced that no change can put their independence in danger, that the continuation of the war can enable them to conquer



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Nova Scotia and Canada, and that, if they desert the South with respect to its frontiers, the South can desert them on the subject of the northern frontiers. New York has voted that the navigation of the Mississippi be not insisted on, seeing that, if the Mississippi is closed, there will be more commerce by the Hudson river. New Jersey, Pennsylvania, Delaware and Maryland have followed the example of New York, favouring Spain. Virginia supported the former instructions. The delegates from the three southern States express the opinion that they ought to try to satisfy Spain, but declare that they cannot take on them the sacrifices demanded. The proposal of referring the decision to the King was rejected, as Congress has not power to hand over the interests of the country to arbitration. After a warm discussion the following resolutions were adopted: That the rights of the States extend to the left bank of the Mississippi; that they have a common right to its navigation; that Mr. Jay solicit the right of navigation on the rivers which cross Georgia and the Floridas; that it be proposed to Spain that the navigation of the Mississippi be so restricted as to prevent any contraband, Mr. Jay being left free not to insist on the navigation; that he be authorized to leave the limits in suspense, if they offer great difficulties. These are the greatest sacrifices that it is thought can be made in order to bring about an alliance. The two articles protect the rights of the South, and reliance is placed on the good will of Spain. A committee of three members is charged with drawing up the reply of Congress to Mr. Jay, which will be, it is hoped, satisfactory to Spain;—any new change can only be favourable to her.

p. 12

Philadelphia  
September 17.

*Observations on the controversial points in the negotiation between Spain and the United States.*

Only the States not interested can offer an impartial judgment on the dispute between Congress and Madrid. As the claims of the thirteen States vary, it is important to conciliate them.

The state of affairs proves the necessity of a triple alliance for the Colonies. The last campaign has seen the taking of Charlestown and the defeat of Camden. With a triple alliance, acting in concert, these results would probably have been avoided. The fact that France must divide its resources between its two allies enables England to offer resistance. A triple alliance will not be less necessary at the time of the negotiations for peace. Then the two allied Kings will be bound to support the United States. Otherwise Spain could make her own peace, without taking count of a people who without title contest her dominions. Moreover for assuring a lasting peace an alliance with Spain would be very efficacious.

The recognition of independence by two great powers would induce England to grant it. The States of the South, which are the most in danger, would also be the best placed for succour.

The necessity of the alliance established, it is a question of overcoming the obstacles. Here is the opinion of a person without mission but attached to the common cause.

Spain claims the exclusive navigation of the Mississippi and the "Eastern Louisiana" of the French.

The American objections are these:—

(1.) The charters of the States extend to the Mississippi and even to the Southern Sea.



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(2.) If the charters can be attacked on one point, they can be nullified in all, since the whole emanates from the same authority.

(3.) If Spain asserts a claim only to that which is actually in the possession of Great Britain, she can seize New York, Georgia, etc., actually in English hands, although beyond dispute within the compass of the thirteen states.

(4.) Spain wishes to profit from their distress to sell her alliance on unjust conditions, whilst France, at a desperate crisis, showed an unbounded generosity.

(5.) To treat on these conditions would be a danger to Spain: only just treaties are durable.

(6.) The districts demanded can be ceded only with the consent of the proprietary States, which being invaded, cannot give it.

(7.) To cede these territories is to risk the safety and the prosperity of the States; the Mississippi being the most certain frontier, even if not founded in right.

(8.) They prefer war to the shame of a cession.

These objections do not hold before an impartial examination.

(1.) The charters are worthless without actual occupation, or treaties with the ancient possessors, or other credentials. They must be put in the same class as the bull of Pope Alexander VI. They impose no obligation on any other power. Almost all the settlements were the subjects of grants by various sovereigns at different epochs. The contradiction of these charters shows their slight force. The States cannot agree on their meaning, as is shown by the case of Vermont, claimed by three States. Georgia, Virginia, and the Carolinas, which agree in opposing Spain, disagree as to the proprietorship of those same lands. How assert independence and invoke at the same time the instruments of their old subjection? But the conclusive argument is that these lands were ceded in 1763 by France to England, and that Spain, her enemy, has the right of conquering them.

(2.) This argument has no force, for there is a distinction between an actual possession and a chimerical grant.

(3.) This question of conquest might be discussed in theory: in fact it is useless to fear an outcome which the conduct of Spain could not permit to be considered.

(4.) Such is usually the case. The United States could not expect always to obtain in their treaties terms so advantageous as those of the French treaty. Spain, far from imposing unjust conditions, negotiates to the profit of the colonies. She recognises their independence and furnishes advantages, receiving no equivalent.

(5.) The argument can be used the other way. The ills foreseen are distant, for some time will elapse before the American settlers reach the Spanish frontiers.

(6.) The cession of these territories is not asked, for they do not belong to the Americans. If Congress cannot grant them without the consent of the States, it cannot treat on this subject with Spain.

(7.) Spain can use the same argument. She prefers to refer the matter to the justice of Congress rather than have recourse to principles so defective. The extension of territory does not lead to prosperity and security, as is proven by the example of Vermont and of Kentucky.



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(8.) Congress has always exercised justice and moderation. Spain does not believe that it will abandon this course in a matter of such importance.

If the United States allow themselves to be guided by plans of ambition and aggrandizement they endanger their interests. It is a question of lands occupied in part by the English and in part by the Indians. These last possess the usufruct and the Americans could not lay claim to it. As for Spain, she simply claims that which France possessed before 1763.

In regard to the navigation of the Mississippi, it could not be claimed as a right, but simply made the subject of negotiations.

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Philadelphia,  
October 21.

M. de Marbois to Vergennes. No. 92. The committee communicates to him its work, approved by Congress, on the supplementary instructions to Mr. Jay. He has succeeded in inspiring more moderate sentiments in Mr. Madison, who is charged with drawing up a memoir on the question of the navigation of the Mississippi and of the possessions on this river. This memoir will be communicated to Vergennes and to the Court of Spain. It will support the American claims, insisting on the advantages to Spain from a free navigation, and the inconveniences from compelling the inhabitants to obtain supplies by way of Canada. It is anticipated that the very great latitude given to Mr. Jay will facilitate the conclusion of a treaty with Spain. But Congress has written a secret letter to Mr. Jay, authorizing him to give way on the navigation of the Mississippi and not make of it an ultimatum if Spain remains firm in her demands. He has the same authority in regard to the disputed lands. Congress, knowing imperfectly the views of Madrid, has preferred to trust to the prudence of Mr. Jay. If necessary, he believes that Congress is ready to cede the country included between the Mississippi, the Floridas, the river Dapalachicola, and a line from its source to the juncture of the Ohio with the Mississippi. It is asserted, however, that the renunciation of the acquisition of Indian lands in the Floridas alone is possible, not their cession to Spain. With but a single delegate opposing because the King of France is relative and ally of the King of Spain, it was resolved to have Mr. Franklin transmit to the King the secret letter written to Mr. Jay. He knows the letter only confidentially, and has not spoken of it to Don Francisco, who is continued in the duties of M. de Mirales. The conclusion of the treaty will be welcomed with a joy more or less full according to the amount of the concessions made. But Congress would not be surprised if Spain were not satisfied at their surrenders, for Marbois refuses to announce Spain's position. If she finds them insufficient, it will be necessary to convince Mr. Jay, for his false hope of bringing about a treaty with Spain has much prejudiced this affair. During the deliberations there has been much evidence of attachment to and confidence in the King. A letter announces the early arrival of the successor to M. de Mirales, who is impatiently awaited.

P.S. Newspaper extracts tell of the defeat of a detachment from Cornwallis by the American militia. This success may change the state of affairs, and at least will revive the spirits of the people.

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## SESSIONAL PAPER No. 29b

Versailles,  
October 22.

Vergennes to La Luzerne. No. 9. Despatches received, except Nos. 65, 66 and 67. As the number of troops and vessels sent by France exceeds that stipulated by Washington, he is surprised at the disagreeable impression produced on their arrival. It seems, rather, that the Americans ought to have made a better resistance at Charlestown. But it is necessary to support the Americans in spite of their shortcomings, and to work just the same for their deliverance. The second division has not been able to set sail because of the presence of a superior English fleet in La Manche, and when Admiral Geary withdrew the season was too far advanced. But the King has sent an order to M. de Guichen to furnish on demand five vessels from his squadron, which must have been done. All this shows the excellent dispositions of the King. If the insufficiency of our troops and their inaction during this campaign seem to discourage the Americans, the immediate assistance of the King ought to revive their courage. He can confide to Congress that the King has resolved in the Spring to augment his efforts in favour of the United States. In case of requests for money, he will remind Congress of the extraordinary sums obtained for Mr. Franklin not only for purchases, but also for drafts made on him of which we know nothing. The ministers are applying themselves to provide a million for Mr. Franklin at the end of the year, and three millions for the following year. These amounts put alongside those which our expedition costs will show that the King could not do more. He will call attention to the irregularity of the letters of exchange which Congress draws on its representative without giving us notice. This system could not continue. Congress could furnish our squadron and troops with articles of consumption, for which the payment would be made in Europe, and thereby procure a revenue for disbursement in France. If Congress cannot keep on foot next year the existing army, let La Luzerne transmit a memorandum of the extraordinary funds required for this purpose, but without holding out any expectations. It is for the minister of marine to direct the victualing and the operations of our army. The troops and vessels are at the disposition of Congress and of Washington. As regards the conquest of Canada and Nova Scotia, our opinion remains the same, desiring that these two objects be undertaken only after having expelled the English from the territories of the confederation. It would be well, however, if Penobscot or Halifax were in our power or that of the Americans. In case of necessity he is authorised to meet all the expenses of our troops. He is free to accept or refuse all that will be required of him in regard to finances. The confidences of Mr. Rutledge on the lukewarmness of the South in regard to independence agree with our suspicions. It is important to know how the other provinces view the defection of Georgia and the two Carolinas. He will declare, in case of conversation on this point, that the King stands for the independence of all the States but cannot do more, in case of defection, than the other colonies, but that he will consider as none the less sacred his engagements with Congress. Already some time since, Mr. Adams departed for Holland, but we do not know with what object. It would be desirable, in view of his character and principles, that Mr. Adams had no part in such a delicate task as the peace. He hopes that La Luzerne will have made the necessary representations



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to procure justice to the French who have been wronged by the depreciation of paper money. If Mr. Izard, who has erroneous principles and an exalted opinion of himself, and Mr. Arthur Lee, in whom he has no more confidence, indulge in remarks derogatory to the King's dignity, he can have his confidential clerks give them a flat contradiction. The King of Spain has been much pleased at the supplies furnished Havana by Congress. Spain has authorised Mr. Jay to raise a loan of 150,000 dollars under its guarantee. The best way to conciliate Spain is to drop the absurd pretensions to the lands adjoining the Mississippi. It is through its agent at Madrid that Congress ought to transact its business with Spain. The King cannot purchase the vessel that Congress has had built, because the transport of equipment would be too serious. M. Bertrand wishes information regarding Mr. Joseph Redmond. p. 50

Philadelphia,  
October 24.

M. de Marbois to Vergennes. No. 93. Congress has made arrangements for the subsistence of the 32,000 men who should be on foot on January 1<sup>st</sup>, but he is doubtful of the execution of the resolutions. If the Army of the North on January 1<sup>st</sup> has not been reduced to below 9,000 it will be a matter for congratulation. If in the month of April the recruits begin to join the army, we must expect all the difficulties of last year. The Eastern States show themselves quite determined to pursue the war with vigour. New York and New Jersey, although devastated, are far from wishing for peace at the expense of the public cause. The English have just made an irruption into New York with the Indians, who commit frightful ravages. A considerable number of ill-disposed people in Pennsylvania desire peace. Delaware and Maryland are firm in their attachment to independence, and it is hoped that Maryland is going to agree to the confederation. Virginia seems prepared to give her satisfaction. Virginia and other States have ceded to Congress extensive territories which will serve to pay debts, or as guarantees for loans and for the reward of the soldiers, or to facilitate treaties. Ten States seem resolved on a permanent confederation with liberty to the others to join. Virginia, which has long set the example of zeal, does not contribute to the public cause in a way proportionate to its resources. It is concerned with promoting its own interests by victories over the Indians, and Colonel Clarke has defeated the Delawares and the Shawnees joined with some Canadians. The approach of danger has aroused Virginia, and 5,000 Virginians are awaiting General Greene, who supersedes Gates, to march against the enemy. General the Baron Steuben, a Prussian officer, has been sent to the Army of the South to establish discipline and military tactics. We do not pause at the hopes of peace which the English seek to inspire, even in Washington. It is undesirable to weaken the Army of the North to reinforce that of the South. This last will be insufficient if the 2,800 men who left New York on October 16<sup>th</sup> make a descent on Virginia. Cornwallis has maintained the advantages acquired by the defeat of Camden, but in order to advance so far from Charlestown he had to weaken all the posts of Georgia, and a Colonel Clarke has taken possession of Augusta and of some magazines and provisions. This slight advantage has had good effects in disturbing the security of the English. A hostile force of 1,400 men has been defeated by 1,600 militia men, eight leagues distant from Cornwallis, and



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Ferguson has been killed and 800 men have laid down their arms. England seems to wish to preserve New York and to press the war in the South. The design is to raise the conquered provinces against the confederation. Its execution will be difficult. Two representatives from Carolina wished to send their wives to Charlestown to hold their property, but threats of denunciation to Congress have made them change the idea. The commerce of the colonies is flourishing and the merchant marine has recovered very quickly from the taking of Charlestown. A multitude of bottoms are on the stocks, and the American privateers have taken many rich prizes. The English fleet at Rhode Island has left the colonial coasts free. The only reverse was the taking of seven American vessels in the port of St. Martin. The employment by the merchant marine of sailors to the number of 27,500 prevents the maintenance of the army on a footing of 20,000 men. The damage done to the English commerce is not a sufficient compensation. The successes in the South, added to the discovery of plots organised by the English, are disconcerting them. The employment of these methods and the reception accorded Arnold discredit them in the eyes of the Americans. The people of New York and the common officers treat Arnold with contempt. The English have only uninfluential partisans in the colonies, and the ill-disposed support them no farther than the troops can protect them. With sufficient funds General Greene hopes to shut up the English in Charlestown, but Congress only gives him vague hopes on the subject of supplies and sends him to the Southern States. p. 65

Philadelphia,  
November 3.

La Luzerne to Vergennes. No. 95. He has gone to Boston and has found the dispositions of Massachusetts to be of the most favourable character. The Governor, Mr. Trumbull, is using his whole credit in support of the project of enlistment for the balance of the war. Connecticut will probably adopt the same plan. La Luzerne has recommended it to Massachusetts and Rhode Island. Another plan of Mr. Trumbull is to have always provisions for six months in advance. La Luzerne will support these plans both in the States and in Congress. The States to the north of Pennsylvania show remarkable energy and resolution. It is stated that it is impossible for the Continent to be equal to the paying and victualing of an army as large as is desired without subsidies or a loan. He has insisted on the necessity of making efforts worthy of the cause, and everybody admits that the exertions of France surpass what could be expected of her, but that the States have not done their share. No one, however, wishes to sustain the credit of the paper money at the risk of being ruined. He suggested private subscriptions, and they have produced 300 to 400 thousand livres, as a free gift. He is using for this purpose the pens of the two secretaries who have share in the favours of the King, and the publications of the newspapers are their work. In spite of all, those who are informed declare that the army cannot be maintained on the continental resources alone. He believed there was exaggeration, but personal observation has shown him the urgent needs of the army, where the soldiers are asking bread and clothes from the generals. Without the early arrival of effective succours, the Americans will not be able to accomplish anything beyond the ordinary. He has given no hope, but he trusts that their wants might be mitigated by some



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actual assistance or some expectations. Washington has attempted to prove to him the necessity of an expedition against Canada. That will draw the French and American troops from their inaction and will produce a diversion that will disconcert the enemy. In view of the Continental and French forces on foot, he would favour this attempt in case the attack of New York or Charlestown be impracticable. This change in Washington seems due in part to the impatience of the young soldiers to get away from inaction. La Luzerne told him that the King wished no less than they to set free a province settled by Frenchmen, the independence of which would strengthen the colonies and weaken England, but would prefer first to have the States freed from their oppression. After the taking of Charlestown and the defeat at Camden, La Luzerne had assured the Southern States that the King had their liberty no less at heart than that of the others. To undertake now a foreign conquest would be in some degree to provoke the defection of the South. He asked Washington if the invasion of Canada would not cool Virginia, which has just been invaded. Its governor wrote lately to M. de Ternay to send vessels for their protection. Washington then agreed that the expedition ought to take place only after the conquest of New York and the Carolinas. As for pecuniary assistance, he maintains that, without the help of a subsidy or a loan, it is useless to look for any vigorous exertion on the part of the States. In spite of so many opinions that all is lost without a subsidy or a loan, he does not believe the danger to be so imminent. Without their maritime superiority the position of the English would be extremely critical. In a statement sent to him the expense of an army of 32,000 men is estimated at 56 millions *livres tournois*, and the revenues to be appropriated therefor at only 30 millions. There is a deficit of at least 20 millions. p. 80

Philadelphia,  
November 10.

La Luzerne to M. de Sartines. No. 36. He has attempted to bring about a reconciliation between M. d'Estherad, commander of the *Interessante*, and M. Holker. For want of frigates to convey them to Rhode Island, the *Marie Française* and the *Liverpool* had to remain here, the English being masters of the sea. The continental frigate *Dean* left to-day to convoy them. The American sailors having deserted, M. d'Estherad has succeeded in recruiting French sailors on American ships. The cargo consists of biscuits, flour, grain and rum. A company proposes to furnish masts to the King at the same price as hitherto charged to England. As a result of the dispersion of the Quebec fleet by the King's frigates, 22 vessels were captured. The English are in the Chesapeake and have landed 2,000 men on the James River. They have gone to make another landing. The Governor of Virginia, having surprised the leaders of a conspiracy, has prevented the malcontents from sending assistance to the English. They were dreaming also of liberating the troops of the Convention. It is believed that Cornwallis, coming from Charlotteburg, is approaching Charlestown. p. 91

Philadelphia,  
December 1.

La Luzerne to Vergennes. No. 101. Since his arrival in America he has made investigations on the commerce of the thirteen States. The observations enclosed are the first result thereof. He requests that they be transmitted to the Controller-General of Finances, to whom he will be able to submit more ample information. p. 95



## SESSIONAL PAPER No. 29b

Versailles,  
December 4.

Vergennes to La Luzerne. No. 10. He has received all the despatches up to No. 80. Mr. Izard, filled with self-esteem, will wish to revenge himself by insinuations for his ill-success politically in France, but Congress has too much wisdom to credit them. The conduct of Mr. Franklin leaves nothing to be desired. Patriotic and discreet, it is more effective than a threatening tone, which would bring about the loss to the colonies of our confidence. They ought to expect more from our good will than from importunities. Thus, we have obtained a million for Mr. Franklin, and we will obtain for him further assistance during the coming year. These facts will have more weight than the representations of Messrs. Izard and Arthur Lee. According to certain reports the dispositions of the Americans are very equivocal; Congress is without authority or credit. Even independence seems quite uncertain. Such is the picture drawn by Mr. Silas Deane. Impatience to obtain news is increased by the treason of Arnold. Mr. John Adams has asked for instructions on certain articles of the treaty of commerce. Article 9 is very clear: it declares that one party shall not fish within the limits of the other. As for these limits, they will be defined in the treaty of peace. Let him recollect that they have never adopted the American pretensions. As for the right of wreck-age, it was necessary to stipulate for its suppression, for it exists in regard to all nations. As regards the re-establishment of American refugees in their possessions, this will depend on circumstances at the time of the peace. If England is mistress, she will require it; in the contrary event, she will make the demand, as a matter of decency, but without insisting. Such are the lines that the instructions to Mr. Adams ought to follow, with a suggestion that he act in accordance with the counsels of the minister. On the subject of a truce for many years for America, our principles have not changed and will not change. Circumstances may compel modifications, but we will take measures to guarantee the actual independence of the United States against every issue. We shall not stipulate the *statu quo* for the colonies. He is to abstain for the present from treating this delicate matter, saying that it has not been in question since 1778. In case of a proposal from England for a separate peace, he is confident that Congress will adhere to the principles of the alliance which has given America the character of a sovereign state. It is to be feared that the fluctuation of Congress will lead to its dissolution and the disappearance of any point of union between the provinces. A general confederation would be the remedy which he wishes to see adopted. In that case it would be needless to renew the ratification of the treaties. The first is sufficient, and it is necessary to avoid dangerous discussions. He approves the representations of La Luzerne to Congress on the subject of the drafts with which Congress continues to embarrass Mr. Franklin and which exceed the funds for next year. M. Necker has asked from Mr. Franklin a letter of credit of 400 thousand dollars to furnish supplies for our troops, which would allow the payment of the drafts on Mr. Franklin and would give a sum disbursable in France. As for money operations in connection with the troops, he will act in accordance with his own zeal and with the instructions of the ministers of war and marine. The frigate *Amazone* returns immediately with money for our troops, which prevents discussion of the



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operations proposed at the Hartford conference. We wish to free America, but the ways proposed seem very expensive and for all that insufficient. He will deny the report that the English are spreading that we wish to establish a permanent post at Rhode Island in order to keep control over the Americans. The King has never had the design of retaining possession of the least portion of American territory. p. 113

Philadelphia,  
December 15.

La Luzerne to Vergennes. No. 104. The project of reconsidering the resolutions relative to Spain appears to have miscarried, although the three southern States were prepared to satisfy that power. A motion from Georgia and the Carolinas to cede a hundred thousand acres of land on the Mississippi brought on a long discussion. Massachusetts was strongly opposed. A Virginian delegate declared that the preceding resolutions did not seem sufficient to gain the friendship of Spain. The motion was rejected by a majority of one vote. The principal argument is that as Spain has not made known her demands there is danger of giving more than she wishes. The opposition of Massachusetts has been a surprise: the only plausible reason is the desire to continue the war and the fear of being abandoned by the South at the time of the determination of the boundaries with Canada. Mr. Jay has informed Congress of the assurances of the King of Spain that he will treat for peace only on condition of the independence of the thirteen States. This declaration has dissipated the fears produced by the presence of Mr. Cumberland at Madrid. Congress was filled with cabals for the recall of Mr. Franklin, which the representatives from Massachusetts strove to obtain. His only support is the fear of seeing him replaced by a member of the opposite party. Only Massachusetts and South Carolina, under the influence of Messrs. Izard and Lee, have accused Mr. Franklin of having lost the American cause in France. Few believed that, but his silence makes them think that he takes little interest in business. It was decided to send an envoy extraordinary to France who will solicit aid and set forth the exertions of the Americans. So La Luzerne has contented himself with suggesting that it was not necessary to extend the character of representative to this envoy, when Congress already has a minister at the King's court, who will present him to the King. Col. Laurens, son of the former president, has been chosen. Laurens, however, wanted Mr. Hamilton, Washington's aide-de-camp, to be chosen. He will be given simply letters of recommendation to M. de Vergennes and to Mr. Franklin.

The Chevalier de Chastellux has arrived with the Vicomte de Noailles and the Comte de Damas, followed soon by the Marquis de Laval, M. de Gastine and the Comte de Deux Ponts, and other French officers. They have visited the battlefields around Philadelphia. Their presence has confirmed the Americans in their better opinion of the French and will increase the friendship of one country for the other. p. 129

Philadelphia,  
December 21

La Luzerne to Vergennes. No. 106. Several merchants from America are going to France to get in touch with our commerce. They will remain there a year or more. He has recommended them to Mr. Necker. Their purpose merits so much more of attention because American commerce is beginning to expand. These merchants wish to establish houses in France to carry on correspondence



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with their own houses in America. He has encouraged them to locate in France, a country which, possessed of the desired goods, has recognised their independence. But American commerce is becoming too active to limit itself to France. They wish to extend their operations to all countries that will receive them. Successful expeditions to Gothembourg, Marstrand, Amsterdam and Cadiz urge them to organise larger shipments. Baron d'Arendt has arrived. He seems to have come at the wish of the King of Prussia to see the Americans establish commercial relations with his subjects, but if the Prussians, as M. d'Arendt says, will do business only for cash, they will not be dangerous rivals, as the Americans are opposed to that system.

Mr. Dana, secretary of Mr. John Adams' legation, was chosen yesterday to go to reside in Russia. Mr. Jay had proposed Mr. Carmichael of the legation at Madrid, but Massachusetts got her candidate appointed once more.

The state of affairs in the South is very favourable. It is under consideration to embark 3,000 men at New York, destined for South Carolina.

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Philadelphia,  
January 1.

La Luzerne to M. de Castries. No. 41. M. de Ternay died on the 15<sup>th</sup> December of inflammation of the lungs, after eight days' illness.

Twelve vessels carrying 1,800 men are to leave New York. There will remain 9,000 men at New York in the eleven forts of Staten Island, York Island and Apaulushok. Cornwallis had only 3,400 men at Charlestown and in its neighborhood. But General Leslie must have since brought him about 2,400 men. The militia who have joined the English army in the South number 1,000 men. Halifax and Penobscot are defended by about 3,600. There are not more than 4,400 men in Canada. This makes a total of less than twenty-five thousand for the whole continent of America, except Pensacola and St. Augustine, recently reinforced. Three thousand American militiamen, of small value and little use, must be added.

p. 10

Philadelphia,  
January 4.

La Luzerne to Vergennes. No. 112. Mr. Paine has published a pamphlet which he is sending him, in which he treats of the claims of Virginia on the lands of the West. The Virginian representatives are very dissatisfied about this. The chartered States and the States whose limits are defined maintain the most contradictory opinions. The chartered States disagree on the subject of their several boundaries. The boundaries of Canada will give occasion for difficulties at the time of the peace. Massachusetts declares that it will not withdraw from the ultimatum communicated to Mr. Adams. He always tells them that facts will determine the decision, and that they must be rendered favourable by efforts in proportion to the claims.

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Philadelphia,  
January 25.

La Luzerne to M. de Castries. No. 43. The poor quality and the exorbitant prices of the French merchandise sent here have confirmed the Americans in their prejudices in regard to our manufactures. But little merchandise of a superior quality has since arrived. The English, hitherto indifferent, have awakened to the disastrous consequences capable of resulting for the manufactures



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of England. That undoubtedly is why Mr. Clinton has just made the following proposals to Congress: (1) permission to every American vessel to go to New York or Charlestown to get merchandise from England; (2) the grants from Congress to the prisoners of Saratoga will be acquitted by England in merchandise; (3) Congress can send flour, wood, or other products of the country to New York to pay the charges of their prisoners.

He believes that Congress will refuse. But the English will do everything to ruin the French commerce. Much merchandise is arriving by ship from Amsterdam, from the neutral islands, and as contraband by way of New York. This importation is detrimental to French commerce. The way to assure to it the superiority would be to provide convoys for vessels carrying French merchandise. Insurance will be lessened, and the English commerce, bearing double freight, with the risks of contraband, will not be able to meet the competition. It is necessary to profit, before the peace, from the character of a commerce exclusive and in our favour. Since the Revolution the American commerce had been free, but the needs of Congress have now determined it to impose four per cent. on importations and prizes. That tends to augment importations from the Kingdom. It is another reason for protecting the American commerce. Iron, muskets, cannon, powder, cloth and linen for the army, salt, nitre and saltpetre pay no entrance duties.

Enclosed is a pamphlet with quite correct ideas on the American marine. p. 14

Philadelphia,  
January 26.

La Luzerne to Vergennes. No. 117. Prussia's commission to Baron d'Arand has been submitted to Congress, which directed him to transmit his communications to Congress by M. de La Luzerne. On his refusal, Congress named a committee to treat with him. He has made several overtures, offering to Congress to conclude agreements for the furnishing of arms, linen, etc. He has stated the offers of the Prussian ministry and merchants, but Congress refused to enter into agreements with an agent who is without recognition or recommendation. Congress has written to him expressing the wish to establish relations with the King of Prussia, but without making any specifications. The agent continues his course.

He has made overtures to different States to engage them in commerce with Prussian companies, but demands that the returns be made in American products because of the risks of the paper money. He says the King of Prussia will be able to make his flag respected. Virginia seems disposed to conclude a treaty with him.

D'Arand is extraordinarily loquacious. He asserts that Prussia has claims on the island of Tobago. "We need a possession in the Antilles," he says to me, "be it only a crag to fasten an anchor to, and a beach on which to build some magazines. If the crag cannot produce either sugar or coffee, we will find through the contraband trade a way of fertilising it, and during the wars of France with England its neutrality will make its wealth."

The growth of our commerce with America is alarming the English. He has written about it to M. de Castries. As a result of misunderstandings a quarrel took place at Boston between French and American sailors. Dr. Cooper has contributed much to reconcile matters. It would be well to replace M. de Valnais, consul for



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Massachusetts, by a person more in a position to maintain a good understanding. p. 19

Philadelphia,  
February 2.

La Luzerne to Vergennes. No. 121. The intrigues of the English have done much to delay the accession of Maryland to the confederation. That is the only one of the thirteen States where they have not carried their arms. Those who oppose the accession are suspected of being favourable to England. After the taking of Charlestown the completion of the confederation was sought as the only event capable of balancing that disaster. But Maryland persisted in saying that she was in the confederacy only for the war unless Virginia and the other States gave her satisfaction on the subject of the lands of the West, for she is fighting only for independence while they have the hope of making conquests, a fact which may prolong the war to their profit, but to the injury of the others. They could distribute lands to their soldiers whilst Maryland would be obliged to expend her money. These motives made an impression, and Congress, last year, sought the surrender of possessions which would serve as reward to the soldiers, as security for loans, and as matter for exchange in the negotiations. New York set the example by ceding considerable lands to Congress. Connecticut did the same, as also Virginia, which was slower in reaching a determination, for she numbers very many speculators interested in those lands. Whilst a multitude of questions attracted public attention Virginia had assigned to herself the ownership of a country as large as Italy. The Land Sales Department was constantly filled with buyers. But some citizens recognised the wrong done: the State was exhausted; it saw itself invaded without power to resist. Congress urged that the Land Sales Department be closed, declaring that those districts were the property of the thirteen States. Finally Virginia ceded to Congress the lands to the right of the Ohio, which she accepted as her boundary to the north-west. This decision was communicated to Maryland, but the lower house rejected accession by thirty-four votes to six, and the Senate did the same. Congress was troubled at this. The project was renewed of a confederation of nine states with freedom to the others to join. Eight had already consented, but this division seemed a desertion of the States of the South not in a position to join this confederation. It was attempted to spread a report that we were opposed to the completion of the confederation. A falsehood, for he has always exhorted Maryland to join. He decided to write to them on the subject, but first he examined the motives which France could have for and against the completion of the Confederation. In case of reverse, it would be more easy, at the peace, to obtain a dismemberment of the States, if the accession had not taken place. It may also be useful to us later that the union be incomplete. But the reasons in favour of union convince him, for in case of reverse Congress must always submit. Moreover, their union will always be more advantageous to us than their disunion, which favours the interests of Great Britain. Besides, their union is one of the bases of the treaty with the King, and the advantages will be the greater, the more there will be of harmony in the operations. After these considerations and a perusal of his instructions which order him to maintain the Union between the States, he sent his letter which produced all the effect desired. The Assembly of Maryland, seeing that we wished



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the completion of the confederation, adopted accession by thirty-three to seven. The Senate did likewise. We are now awaiting the delegates who are to come to give their signature to the act of confederation. He hopes that His Majesty will be pleased at the testimony to his influence set forth in the resolution of the Assembly of Maryland. Congress and the citizens are rejoicing over it, and England will see the difficulty of disuniting the allies.

P.S. The delegates have arrived and have sent him a copy of the act of accession. There is found there the reservation that no State is bound by the claims of any others to the lands of the West.

p. 24

Versailles,  
February 19.

Vergennes to La Luzerne. No. 12. He has received all the despatches up to No. 105 and the King is pleased at his zeal, activity and the wisdom of his conduct.

The dispositions of Congress and of the States announce a great development in means and vigour: unfortunately they seem to count less on their own resources than on our subsidy. The King is filled with good will, but this is the fourth campaign in their favour, each more considerable than the others. Obligated himself to resort to loans, the King cannot provide for the needs of the States. The last campaign cost over 150 millions of extraordinaires; the next will cost more. The States ought to do everything to provide at least for the maintenance of their army. He has just obtained five millions for Mr. Franklin to meet his engagements and the drafts.

It would have been better not to send Mr. Laurens to France to solicit extraordinary succours that we are not in a position to grant.

Mr. Franklin has not yet communicated the instructions sent to Mr. Jay. The decision of Congress to satisfy Spain will facilitate the negotiations of the latter. La Luzerne will limit himself to listening to the overtures of Congress on the negotiations with Spain, without expressing any other opinion than that the States ought to seek to meet the wishes of Spain, whose decisions Mr. Jay will make known.

Mr. Laurens has been captured and taken to England with some papers, one of which contains a draft of a treaty with Holland, concluded between Mr. William Lee and M. Neufville. Great Britain has seized this pretext for declaring war on Holland, against whom she was irritated because she had joined the League of Armed Neutrality. According to our latest information, Russia seems disposed to support the Dutch against the tyranny of England. Congress ought to make ready without loss of time for a coalition with Holland. We presume that the Empress of Russia is not opposed to the independence of the United States. She will see not without pleasure the resolution by which Congress adheres to her principles relative to the belligerent powers. As for the admission of Mr. Dana in character of representative to Russia, that will probably take place, if the Empress decides to espouse the cause of Holland.

Messrs. Izard and Lee attack Mr. Franklin because of base jealousy at the consideration which he enjoys in Europe. Their accusations merit the contempt of Congress. Mr. Franklin is esteemed here for his patriotism and his wisdom, and it is in large degree because of the confidence which he inspires that Vergennes



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has obtained for him pecuniary assistance. Would another have the same advantages?

However his great age and his love of quiet give him an apathy incompatible with business. All the same his replacement would present inconveniences, and his successor might be displeasing to us. The nomination of a secretary of legation, possibly Mr. Laurens, would avoid the embarrassments of a new choice. In any case, Mr. John Adams, although zealous, is not the man to be chosen, in view of his unconciliatory character. He even sees with regret that he is to take part in the peace negotiations.

He is pleased at the nomination of an American consul in France. He appears a zealous and intelligent man. He will enjoy the privileges of the consuls of the most favoured nations. A plan of convention in regard to consuls has been drawn up. Congress ought to give Mr. Franklin full powers to sign it. La Luzerne will send information as to the reception which this convention will receive from the States.

The King authorises La Luzerne to give a gratuity of 5,000 to 6,000 livres to a certain Congressional representative so long as he shall appear to him to deserve it. La Luzerne will engage Mr. Payne to work on a history of the revolution and encourage him by successive grants which he shall determine.

For the future, in place of a letter to the President of Congress, he will present M. de Marbois to the latter as entrusted with the conduct of affairs during his absences. p. 38

*Memoir.*

Jan. 1781.

The separation of America from England is the cause and object of the war. France protects the colonies, England wishes to subdue them. Neither will yield, unless forced by circumstances.

Nevertheless the war ought to have an end, but expedients to promote peace are difficult of discovery. France has made sacred engagements with the States; they want their independence; Spain demands Gibraltar; England will not surrender anything. To conciliate all, sacrifices are necessary. We are going to try to point them out, limiting ourselves to America.

The Americans have rightfully rebelled; England has forced the King into the alliance, has provoked the war with Spain. So the war, made by America, France and Spain, is just, that of England unjust.

Great Britain is then responsible for the consequences of the war: she ought to bear the cost and make the sacrifices for peace.

The King and Congress demand the independence of the Thirteen States, established by right and fact. It must be the basis of peace.

But England will dislike agreeing to the abandonment of the Colonies when face to face with France. She may then make arrangements directly with the United States.

The King consents to the opening of direct negotiations between Congress and Great Britain, on condition that the absolute independence of the States be the preliminary basis.

England may object to an independence so explicit. Then in place of a definitive treaty might be substituted a truce of many



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years, assuring independence in fact and the peaceable enjoyment of all the rights of sovereignty.

A truce seems to offer France greater advantages than a definitive treaty. In that case England would seek reconciliation with the colonies by a treaty of friendship and commerce, whilst a truce would leave a persistent distrust. The Americans will tend to draw nearer France, and our manufactures will accommodate themselves to the tastes of those clients.

The Americans would prefer a definitive peace, which could leave them without uneasiness, and with more liberty within and without. But these considerations give way before the fatigues and horrors of a lengthy war. The people are exhausted, and Congress runs the risk of being without resources. Moreover, as long as the war lasts, America will be exposed to the intrigues of London and to treason. With peace or a truce, the fruits of independence will be experienced, and should the war re-open England would find herself without supporters in America.

Will the truce stipulate the *statu quo*, or the retirement, partial or complete, of the English forces, for they hold New York, Penobscot, South Carolina and Georgia?

As New York is in the centre of the colonies, and useful both for military and for commercial affairs, it is important for the States and for France that England do not hold it.

South Carolina and Georgia, situated at the extremity of the confederation, little settled or cultivated, without a port capable of receiving large vessels, would not be dangerous.

But England would possess only the ports that she will occupy at the moment of the truce.

England might perhaps be given all Carolina as an equivalent for New York, but only in the last resort.

But the Americans will regard the peace as ill-assured, and independence as precarious, if it is confined to a truce. The more clear-sighted Americans, among others Washington, have vigorously rejected the idea of a truce. It is possible that the fear of prolonging the war has changed their dispositions of 1779.

The King could make the proposition of a truce, if it is not limited to the *statu quo*. Otherwise, it is impossible, since he has guaranteed the independence of the thirteen States.

It is then for the mediating Courts to propose a truce to the United States.

In the case of a truce, the King ought to reject any restriction on the independence of the United States that England might suggest. This preliminary condition obtained, the King might propose the truce to Congress, which may approve it on being shown that it assures the essential point of independence. But the *statu quo* ought to be proposed by the mediators only at the meeting of the plenipotentiaries, the restoration of New York first of all to be assured in advance.

The truce ought to have a duration of at least twenty years in the interests of the States and of France, which has guaranteed their liberty by the treaty of 1778.

For the greater security of the Americans the King can offer to take with Congress the measures proper to assuring this independence forever.



## SESSIONAL PAPER No. 29b

## Resumé of proposals:

- (1) To the King of England to make sacrifices for peace.
- (2) First sacrifice, independence of the States.
- (3) Independence can be assured by a definitive treaty or by a truce.
- (4) The King of England may treat directly with the Americans.
- (5) The truce will be for many years, 25, 30, years, etc. The States will be independent in fact and without restriction.
- (6) It would be proper to ignore the *statu quo* or to limit it to Georgia and South Carolina: the evacuation of New York to be stipulated.
- (7) The King cannot propose the truce if founded on the *statu quo*. He can do so by separating the propositions, if he has the secret assurance of the evacuation of New York.
- (8) In case of a truce, the King will propose a new convention to take precautions against attacks from England after the truce.

The King makes war on Great Britain from necessity. Unless under great reverses, he ought not to yield on the principal object of the struggle. That would be to tarnish his glory.

England is nearly exhausted; she is without ally, and her forces are inferior. One can ask the King of France to be magnanimous, but without ruin to his dignity and his interest.

p. 51

*Memoir on the increase in troops and supplies asked for by M. de Rochambeau.*

March 8, 1781.

M. de Rochambeau asks for 10,000 regular troops, in order to raise his army to 15,000, a considerable reinforcement of artillery, and abundant supplies. The cost of 15,000 men in America must be estimated at least at thirty millions, in view of the scarcity of resources.

It is for the departments of finance and war to see if it is possible to provide sufficient means therefor. In proposing a part so expensive, no guarantee is given of the extent of the efforts that the Americans will make. Washington, when he is pressed for a statement, takes refuge behind Congress and lets it be understood that he may have 15,000 men. A simple possibility does not justify so costly an expedition.

Can even these 30,000 men conquer a city so well fortified as New York, defended by 14,000 soldiers, not to speak of certain reinforcements?

Is it without political disadvantage to transfer 15,000 Frenchmen to America? Will not so considerable a force arouse a jealousy which, destroying the good understanding which ought to inspire such an undertaking, will seek to escape a burden which might seem a yoke? It will be, moreover, very difficult to maintain those 15,000 men, and success will diminish the needs of the Americans: hence, misunderstanding between the armies.

The danger and impossibility of the plan demand its immediate rejection. It is not in America that the decisive blow ought to be struck. The great object of France is to win the confidence of the Americans in her protection and her efforts for the assurance of independence. We could answer M. de Rochambeau and General Washington that the King cannot adhere to the Hartford Plan,



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because it would increase, instead of lessening, the troubles of America, for England would reply to this despatch of troops by another as large, thus adding to the calamities of the United States. Consequently the King has decided not only to send the 10,000 men, but not even the second division which was to follow Rochambeau. But in order not to deprive them of assistance the King gives it in money by a sum of six millions for the maintenance of the American army. The King, furthermore, will give orders to M. de Rochambeau's division to join the American army when requested. In that case the squadron, if it has not received its reinforcements, can retire to Boston, where it will be joined by other vessels. p. 69

Versailles,  
March 9.

Vergennes to La Luzerne. No. 13. He gives a summary statement of the points of the Hartford Conference between Washington and M. de Rochambeau.

The latter proposed to increase the corps from 5,000 to 15,000 men, with reinforcements of artillery and supplies. The expenses must be estimated at such an amount as would seem to render this impossible.

About this time La Luzerne warned them of the approaching demands of Congress. The King is well pleased at the way in which La Luzerne has explained to the representatives the impossibility thereof. If he listened to their demands, his Majesty would take on himself the cost of the war that he is waging for them.

After consideration in the King's Council, it has been seen to be impossible for the Marine and the Treasury to provide the aid suggested by M. de Rochambeau, which does not seem of any manifest utility. These 30,000 men will not be able to take New York, defended by 15,000. The despatch of such a force would prevent us from assisting our islands, for it would be necessary to employ the whole squadron there. The English would reply to this expedition by sending another of equal strength, which would add to the calamities of America. As all the requests of Congress solicit, not troops, but money, it has been decided to refuse even the despatch of the second division, detained by a superior English squadron, but in order not to deprive them of assistance, it will be supplied in other ways.

The Minister of War directs M. de Rochambeau to regard himself as entirely under the orders of the American General, and to unite with him.

If the insurrection of the Pennsylvania Line spreads, causing fear of the dissolution of the army, M. de Rochambeau will retire to Rhode Island or to the Antilles.

M. de Grasse has orders, at the approach of winter, to detach a part of his squadron to sweep the American coasts and cooperate with the French and American Generals. The number of vessels sent will depend upon the expeditions projected by the Spaniards. Little matter where we strike; if the blow is successful, it helps all the allies.

We must observe the most profound secrecy in regard to the sending to America of a part of our squadron from the Antilles. There is so little of secrecy in Congress that it is necessary to keep it in ignorance. The great advantage would be to surprise Admiral Arbuthnot, before Rodney's reinforcements, and set free the Rhode



## SESSIONAL PAPER No. 29b

Island fleet. M. de Barras, a fine sailor, is going to take the command.

He will judge how far he ought to inform General Washington.

The King is affected by the attachment of Congress, and would like to satisfy its demands, but good will has its limits. The war costs us more than 150 millions extraordinaires a year. We must borrow to meet the situation. Congress asks for 25 millions. Even with the King's guarantee, Congress cannot borrow at the same rate as he. If the King himself raises the loan, it will be necessary to increase the rate on money; confidence will fall and with it credit, and resources will fail as well for the King as for the allies. So the King cannot authorise borrowing by Congress in France, but as a mark of his interest, and in spite of the hard times, he gives them a free subsidy of six million *livres*. He will inform Mr. Franklin of this, and will see that he receives at a fair price and of good quality the goods he desires for which we shall pay. The residue of the six millions will be held at the disposal of General Washington, with a recommendation that he avail himself of it only for debts long overdue.

Congress owes gratitude to the King for all his efforts. He has obtained for Mr. Franklin, since 1780, a loan of three millions, then another million, and this year four millions without interest, a total of eight millions, with a free gift of six millions. So in two years the King has provided fourteen million for Congress. Such generosity certainly deserves gratitude. p. 76

Versailles,  
March 9.

Vergennes to La Luzerne. No. 14. Received despatches up to No. 114. The resolution of Congress in regard to the Association of Neutrals is very wise and will be pleasing to Russia. The Empress, hoping to re-establish peace by her mediation, observes a strict impartiality and could not recognise Mr. Dana without clashing with England. His nomination, then, seems premature: it will be better not to do anything about it so as to avoid refusal. When the time will come, we will assist in having him accepted.

Several of his despatches have not reached La Luzerne. Nos. 8 and 10 have reference to Mr. John Adams. He sees with regret, for all Mr. Adams' patriotism, that he is entrusted with so delicate a negotiation as that of the peace, for he displays a stubbornness, pride and conceitedness that will be the despair of his fellow negotiators. It is impossible to change him, and La Luzerne will make no suggestion for his recall, but will show the necessity of his subordinating his conduct to the views of the King, and to the directions of the French negotiator.

The English ministry has attempted to open a secret negotiation with Spain for a separate peace. Nothing has been done, for the propositions of Spain were based on the engagements of France with the United States. The English emissary, however, is remaining at Madrid.

The Empress of Russia has invited the Court of England to invoke her mediation. That Court has accepted, and has invited the Emperor to take part. The King of France replied that he would be happy to reach a peace under the auspices of Catherine II, but could not accept without the consent of his allies. Madrid replied that she must await the issue of the direct negotiation which had been begun, before having recourse to mediation.



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The Emperor offered France and Spain his mediation as requested by the Court of London. The King of France replied in the same way as to the Empress. The King of Spain declared he could not consider a mediation so long as the direct negotiation with England continued.

These replies constitute an eventual acceptance of mediation: to refuse it would be to offend those two powers. And our demands are so just that they can prevail at any tribunal. We have no reason to refuse.

Ignorance of the sentiments of our allies has caused us to postpone the acceptance of mediation. It is a proof of the attachment of the King to the alliance. La Luzerne will call the attention of Congress to the importance of making known to the powers its views on mediation through His Majesty. He hopes that Congress will be disposed to accept it, and it may count on the zeal with which the King will press their interests during the negotiations.

As the Court of London will act with unreasonable obstinacy, because of its dread of sacrifices, Congress ought to frame its demands with all the moderation possible, in order to win the favour of the mediators. In the event of difficulty in effecting a peace, it is necessary that the American plenipotentiary be able to make known the decision of Congress in regard to a truce.

La Luzerne ought to refrain from making known the sentiment of the Court on the subject of the truce. But whether we are working for a peace or a treaty, he will call the attention of Congress to the necessity of pushing the war with vigour; that will be the most effective way of bringing the English to reason. If the King is compelled to make a definite statement, he will accept conditionally for himself and for the United States the offer of mediation. Nothing forbids this, whilst a refusal might bring on results as troublesome as they are incapable of being forecast. p. 88

Vol. 16. 1781.

April 14.

M. de Rochambeau to La Luzerne. The expedition has been getting ready for fifteen days. He is counting on its success if the squadron continues engaged in Chesapeake Bay.

The drafts are converted into continental paper at 75, and he is using this paper at the same rate. He prays him to see to it that the treasurer, M. de Roquebrune, does not lose a more favourable rate, if that be possible.

He believes that M. Holker is an avaricious merchant and not the King's friend.

P.S. General Washington agrees to the expedition on two conditions, (1) of not counting on the militia of the country—which he had foreseen,—(2) of sending only two frigates and a flute with troops, in order to keep the entire squadron of M. Destouches to attack at need the English fleet. M. Destouches replies that being without transport he cannot convey 800 men on two frigates. M. de Rochambeau believes the blow has failed or has been delayed. He has all the information possible on Halifax. It is a large undertaking, and it will be necessary to sacrifice some vessels in order to force an entrance of the port. There is no way of landing without a preliminary engagement. Mr. Maclean has erected vast works



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there in the last four years. He has seen the plans. There is a garrison of 3,000 and a new citadel dominating all the surroundings.

p. 11

Versailles,  
April 19.

Vergennes to La Luzerne. No. 15. Since his last despatch on mediation the face of things has changed. London has recalled her emissary from Madrid and the King of Spain, being free, has accepted mediation. The King of France has done the same, but both of them with the reservation that the acceptance be effective only after the preliminary bases have been established. The King has proposed two questions: the admission of an American plenipotentiary, and the footing on which England intends to treat with the United States.

La Luzerne will invite Congress to accept mediation and to send instructions to its plenipotentiary. The King will not countenance any negotiation except after a satisfactory solution of his two demands. It is then desirable that Congress put entire confidence in the friendship of the King in order to influence the conduct of Mr. Adams and check him in the flights of his imagination and conceit. Mr. Adams has not the ability to appreciate fine distinctions which is a requisite of a negotiator.

Taking into consideration the distress of the American army, where the want of money has produced insubordination, the King has consented to guarantee a loan of ten millions to be raised in Holland for the United States. At the end of the year we shall have procured for Congress twenty millions, without mentioning the expenses of our squadron and of our troops in its service. So the King counts on the gratitude of Congress which ought to make efforts to second him. Part of the subsidy of six millions will be used for the purchases requested by Mr. Laurens. The balance will be at the disposal of Mr. Washington. Three millions will be supplied to Mr. Franklin to pay the drafts of Congress. The fourth million will serve as a reserve for unforeseen events and to discharge bills sent.

M. Necker will give his attention to the loan of ten millions in Holland along with Mr. Laurens or Mr. Adams, who is in that country.

He has received his despatches up to No. 118. He had wished that Congress had told Mr. Adams to make no move without the preliminary approbation of the King. He will say so to the president of Congress.

The matters treated in his letters to M. de Castries are of a political character. It is to Vergennes that he ought to report them, as well as all other subjects. He himself will inform the other departments.

p. 14

Versailles,  
April 19.

Vergennes to La Luzerne. No. 16. The Court of London has declared to the Imperial Courts that it would be ready to consider peace as soon as the alliance between France and the rebellious subjects will have ceased. The King replied that it would be useless then to dream of peace, requesting England to make a statement on the two questions previously submitted. She answered that, in all the points to be considered, the dependence of her rebellious subjects be predetermined. So long as this demand on the part of England continues, there can be question neither of mediation nor



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of peace. That proves the importance of pressing the war with vigour in order to force England to terms.

Vienna will transmit the King's reply to England, probably with observations. Although it be so, Congress ought to give instructions to its plenipotentiary, since negotiations may open, if not now, perhaps during the coming campaign.

After consultation with him, Mr. Dana has recognised the danger of presenting himself officially in Russia, before the Empress recognises the United States. He has decided to present himself simply as a traveller, and Vergennes has recommended him to M. de Vèrac, the French minister.

M. de Vèrac informs him that the Comte de Panis has seen with pleasure the resolution of Congress to adhere to the declaration made by Russia to the powers.

P.S. Herewith is a power of attorney from M<sup>me</sup> de Colombet to be signed by her son. p. 22

*Address to those of the Society called Quakers, who have been excluded from it on account of religion or political principles.*

April 24.

A certain number of Quakers have assembled to take into consideration present circumstances.

They have been forced to separate from the old church, which, after having put restraint on their liberty of conscience, has excluded them from the society. A great number also have been excluded for having fulfilled faithfully their duties towards their country.

Under the obligation that exists of adoring God publicly, and knowing that the Lord has promised to be with those who gather in his name, they will establish a religion and congregations.

They will preach no new doctrine. They will assure liberty of conscience. They will take as basis the maxim of allowing each to think and judge for himself, and be responsible only to God himself.

They invite their brothers in affliction to join them. p. 27

Philadelphia,  
April 29.

La Luzerne to Vergennes. No. 137. The news that the second division would arrive only towards the end of the campaign has produced a very bad effect in the East. For the Eastern States had displayed extraordinary efforts in the hope of the arrival of the second division. So the recruiting lists of New Hampshire and Massachusetts are complete. The people of the East had conceived the greatest hopes of the undertaking against Penobscot, but Generals Washington and Rochambeau have put off the expedition till later. The abandonment of it is feared. The English circulate reports that France amuses them with promises which she will not fulfil. To ensure that they do not become discouraged, it is necessary to nourish the patriotism and the activity of the Americans by an enterprise the success of which interests them particularly. An expedition against Canada will be most agreeable to the Eastern States. They believe it practicable and very useful. The delegates from the North have instructions on this subject, and if the French general consents to it, the delegates from the South will have no reasonable objection. One delegate has laid his batteries in favour of a motion supporting an expedition to Canada.

He asserts that peace with security cannot be established so long as Canada remains to England; that at the peace the means of



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defence of Congress will be reduced to nothing; and that England will continually menace the States of the North.

He proposes for the invasion of Canada the formation of a corps of six thousand men with the militia of New England and the troops of the Duc de Lauzun and the beginning of operations at the first of August.

To turn the delegate from his project, he has urged the need of the union, which might be broken by this plan, adopted by the North in despite of the South. Besides it was for the general-in-chief to decide on the expediency of this expedition. It was manifest that France ought to be praying for the deliverance of Canada. But the plan had been checked at Hartford, sent to France, and measures prepared in consequence. Was Congress sufficiently strong to prepare an external expedition, contrary, it may be, to the plan of General Washington.

It was very difficult to get the delegate to abandon his motion. He promised to let his colleagues know that he agreed that nothing be done without consulting General Washington. In the interval, La Luzerne is going to employ himself in detaching Congress from this project. In spite of the dispositions of the North, he expects to succeed, thanks to the Southern delegates, especially if Washington does not favour it. p. 31

Philadelphia,  
May 4.

La Luzerne to Vergennes. No. 138. Congress is not pleased at the silence of Mr. Franklin. The other ministers are giving account of the measures of several powers that seem favourable to independence. Mr. Jay announces that Spain seems better disposed towards Confederation. She surrenders to the Americans the clothes found on board the convoy taken from English, which will be of great help for this whole campaign, above all after the taking of the frigate *Confederation*, loaded with clothes.

Spain will acquit letters of exchange to the amount of two millions of *reals*, but is much surprised that they have been drawn without her knowledge. But he does not believe that Congress can without danger deprive itself of the resource of drawing on Spain.

In view of the attention that the Russian minister at Madrid offers to Mr. Jay, it is hoped that Russia will recognise the independence, above all after the hostilities of the English against the Low Countries.

He has declared that, although circumstances might be very encouraging, Congress ought not to expect that the English would abandon, at the peace, the American territories which they would hold. In the negotiations, they will seek to stipulate the retention of the States of the South.

The measures of Congress are not sufficient to recover these States from the hands of the English. It is even to be feared that they will succeed in arming them against America.

His victory at Guildford, on March 15<sup>th</sup>, has so weakened Cornwallis, by the number of killed and wounded, that he has had to fall back by forced marches on Wilmington. General Greene has followed him as far as Deep River. On April 8<sup>th</sup> he marched towards Camden and will compel the English to retreat to Charlestown. La Fayette is at Richmond with 1,200 men. Some militia will join him. General Philips commands 2,500 English in the neighborhood.



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The English had organised a general attack on the principal southern posts. Cornwallis, crossing the Carolinas and Virginia, was to join Arnold and Philips. General Greene's prudence broke up the movement, whilst our squadron held back the reinforcements from Clinton to Arnold.

Commerce on the Chesapeake is closed. The English hold a strong position there. They have armed the Indians on the frontiers of Virginia, which State has sent out its militia. The Quakers, whose number is decreasing in all the States, have made converts among the Indians. One tribe, which they have converted, have refused the solicitations of the English to have them take up arms.

Since the beginning of hostilities they have excluded from their society all those who took up arms or even voluntarily paid the taxes imposed for the support of the war. The principle of religious liberty forbade the government from intervening. But those expelled, including an ex-member of Congress, have formed a separate congregation. It is the first schism since the foundation of the sect. We expect to see the new church receive all the Quakers. Attached to the government, they are growing tired of the old severities. p. 38

Versailles,  
May 11th.

Vergennes to La Luzerne. No. 17. His last despatch announced that the King had become guarantee for the American loan of ten millions in Holland. Supplies and clothes have been furnished to Mr. Laurens for a part of the six millions, the King's gift to Congress.

Because of the default of credit for Congress in Holland, which is moreover bound by the declaration of the neutrals, the King has offered himself as principal borrower and alone responsible. He trusts that Congress will appreciate this action and will censure the dissatisfaction of Mr. Laurens, who has made importunate demands and threats. He asks for eight millions in arms and clothing, and a loan of twenty-five millions. Congress must be informed of the impossibility of duplicating such succours as those recently accorded.

Mr. Adams has resolved on making public in Holland his character as minister of the United States, in spite of all advice. This, doubtless, is in the wish to play a political rôle. La Luzerne will get Congress to direct its ministers not to make any political movement without consulting France.

No progress in the matter of mediation. The admission of an American plenipotentiary, offers difficulties, but it ought to be decided in favour of the United States.

P.S. Has received his despatches up to No. 130. p. 47

Philadelphia,  
May 12.

La Luzerne to Vergennes. No. 139. The Northern delegations favour an expedition against Canada. The Southern representatives do not oppose an expedition made within the limits of the ultimatum of 1777, but contest any expedition against Quebec or other northern part of Canada, so long as a part of the Thirteen States is invaded by the enemy.

As a result, they have secretly resolved on an expedition against Niagara and Detroit, under Colonel Clarke with the militia of Virginia and Kentucky. This expedition would secure the northern frontier, two important posts, and Lakes Huron, Erie and Ontario, and would furnish advantageous means for negotiation. Detroit has little defence, a weak garrison, and the French there are disaffected towards England. Niagara, the centre of several



## SESSIONAL PAPER No. 29b

rivers, is very important. But Clarke's forces are too feeble for him to succeed.

The French settlers at Kaskaskia, led by M. de la Balme, attempted an expedition against Detroit. They captured the post of the Miamis, but were cut to pieces in an ambuscade of English and Indians.

This colony of Kaskaskia recognises Congress, but Virginia claims it. This has produced troubles, and the Kaskaskians have addressed a memoir to him full of assurances of affection for France. They sought his intervention to obtain better treatment. He spoke about it familiarly to the Virginian representatives, but abstained from all direct solicitation. He has refused letters of exchange drawn on him by M. de la Balme and given to the settlers.

M. de Rochambeau is going to establish himself on the North River with the greater part of the French division. There are reports of an early evacuation of New York. Enclosed is a letter from M. de Rochambeau. p. 53

Versailles,  
May 14.

Vergennes to La Luzerne. No. 18. Mr. Laurens has obtained a pass from the King for his return. We have gone even beyond the possible in his favour.

He has refused to divulge to Mr. Laurens the detail of the reinforcements on sea that we shall send this summer to America, first, because it would be difficult to protect a secret entrusted to so numerous an assembly as Congress, and because we ourselves are ignorant of the number of vessels it will be possible to detach. La Luzerne may inform General Washington in confidence that M. de Grasse, has received orders, after having provided for the safety of our islands, to proceed with all or the greater part of his squadron to the coasts of America and to support all practicable operations.

If the secret is well guarded, it would be possible for M. de Grasse to surprise Admiral Arbuthnot. A victory would assure our superiority.

M. de Castries will write for information on the scandalous manœuvre in regard to letters of exchange. M. Holker's conduct appears very suspicious. If he is not looking after his own business, he certainly is not looking after that of the King, or of M. de Chaumont, his employer, who proposed no profit for himself. p. 58

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Philadelphia,  
June 4.

La Luzerne to M. de Grasse. A second division of troops and a second squadron had been promised to the States. Circumstances have prevented the fulfilment of that promise. As a result of calculations based on these assurances, a bold movement has been made on the frontiers of Carolina by General Greene. The English have sent superior forces to the South. Cornwallis has drained the garrison of Charlestown to form an army which, traversing the Southern States, has joined another, come by the Chesapeake, under General Philips. Since his death Arnold is in command. La Fayette, with 1,000 men, troops and militia, watches this army. A reinforcement from New York has joined Cornwallis, who has six thousand men on the river James. La Fayette can only avoid being enveloped. General Wayne sets out to rejoin him with 1,200 men. General Greene has advanced on Camden with 1,500 men.



4 GEORGE V., A. 1914

Washington had a conference with M. de Rochambeau at Hartford the 22<sup>nd</sup> of May. The French troops are to march to the Hudson River, if the King's squadron can leave Newport, where all the English naval forces are blockading it. Washington wishes to direct against New York a diversion that will become an attack if the place is not reinforced. If succours are sent, it will be a relief for the Southern States, now reduced to extremities.

De Grasse alone can extricate the invaded States from this crisis, without loss of time. He is to inform La Luzerne of his designs, which he will communicate to M. de Barras. If he proceeds to Chesapeake Bay he could seize all the ships.

His juncture with M. de Barras will depend on the movements to be made and their correspondence.

Washington writes him that M. de Rochambeau and he are of opinion that M. de Grasse proceed to Sandy Hook, where he will receive all information. It is possible that he will coop up or defeat Admiral Arbuthnot and unite with M. de Barras.

This is the greatest service that can be rendered to the allies. The English have 4,000 men, regulars, and 3,000 militia; and about 6 to 7,000 men in Virginia and 3,000 both at Charlestown and in the Carolinas and Georgia. p. 13

Philadelphia,  
June 8.

La Luzerne to Vergennes. No. 145. The matter of the negotiations intrusted to Mr. Adams in the way of settling itself in satisfactory fashion. On May 26<sup>th</sup> he sent to Congress a memoir, here enclosed. A committee was nominated to confer with him. After giving information on the movements of the Empress and of the Emperor in favour of mediation, he frankly explained the danger of leaving the negotiations at the discretion of Mr. Adams. After the meeting, the chairman of the committee drew up his report, setting forth the facts in regard to mediation, and the motives for putting Mr. Adams under the direction of the French and Spanish plenipotentiaries during the conferences for peace. He added that France was the only recognised channel for communications with the mediators, and that the negotiation could be left to her care, after the principal points from which Congress did not intend to withdraw had been designated. On June 3<sup>rd</sup> the committee presented to Congress the following resolutions: (1) to accept mediation; (2) to enter it by the channel of the ministers of France; (3) to authorise the plenipotentiary to sign a treaty of peace conformable to the ultimatum of October, 1779, on condition that independence should be recognised; (4) a recommendation to the American ministers to act on the advice of the French ministers.

The Committee made no mention of a truce.

In spite of the urgent letters of the president to the different States to complete their delegations, there were still only ten States represented, a single delegate from Rhode Island, and from Delaware, none from New York.

A delegate opened the sitting of the 5<sup>th</sup> of June by setting forth to Congress the necessity of allowing no delay in taking unanimous action on the resolutions to be adopted in regard to peace. Congress agreed unanimously to accept the mediation of the Courts of Vienna and Petersburg subject to the recognition of the independence and sovereignty of the Thirteen States.



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On the 6<sup>th</sup> of June the other articles were discussed. It was decided that the treaties of the 6<sup>th</sup> of February, 1778, should form the basis of the instructions to be given to the American plenipotentiary, but as they do not determine the extent of the bounds of the Thirteen States, this question was debated, with the result that, if it is impossible for the plenipotentiaries to agree on this point, they shall stipulate that the boundaries be laid down by commissioners after the peace.

New Hampshire, Pennsylvania, New Jersey, Maryland, South Carolina, and Georgia voted for the motion. Massachusetts, Virginia and Connecticut voted against it. North Carolina was divided. The other States were not represented. The motion, supported by only six votes, failed.

The motives of this opposition are the views of aggrandisement in certain States, the fears of certain others of being exposed to the attacks of the English. The third class of opponents comprehends those who are dreaming about speculations.

The States having views of aggrandisement are Massachusetts, Virginia, and perhaps New York.

He has called the attention of the delegates to the imprudence of disgusting the mediators by ridiculous pretensions. The delegates from Massachusetts and from Virginia replied that the Treaty of Paris and the Proclamation of 1763 ought to be the foundation of their ultimatum; that the edifice of confederation would be undermined if they deviated from its acts; that it could not be said where the right of the Americans began and where ended that of the English if they had no right to the territories extending up to the 45<sup>th</sup> degree of latitude. If they yielded to the English on one point, it would not be easy to defend the other.

La Luzerne replied that as these acts would be presented as the basis of the American claims, they could consent to restrict themselves to narrower bounds, but he refused to fix those bounds. One delegate declared himself in favour of the limits before the war of 1756, but retracted on seeing the maps. This delegate seems to be convinced of the necessity of yielding, but La Luzerne has not succeeded in convincing the delegates who wish to continue the war and those who hold grants.

He has confined himself to persuading the party of sensible and moderate people who wish to hold the English at a great distance from the United States. So Connecticut has no plan of aggrandisement, but wishes that there be a great wilderness between the English and the Americans, through fear of a new war resulting from proximity. The adventurous spirit of the Americans induces them to make new settlements in the woods: for example, Vermont, Kentucky, and Illinois. If England holds vast territories, it is feared that she may draw the inhabitants of the colonies to them by grants and advances. It would be impossible to prevent this immigration, which would weaken the States. Later England will arm these new settlers against them.

To these arguments La Luzerne replied that it is quite necessary that the States resign themselves to having neighbors. If a new war broke out in Europe later, in which France would be engaged, England could then fall on the States with all her forces.



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This suggestion has already made a strong impression on moderate people. La Luzerne has added that too great demands would antagonise the mediators and there might be a change from a pacific to an armed mediation. He advised the delegate from Connecticut to transmit to the King's minister his observations, which deserve great attention, adding that it would be necessary to draw up with the greatest moderation the instructions to Mr. Adams.

The remarks of La Luzerne have made a great impression on the president, a delegate from Connecticut and his party. But to better assure a majority of seven votes, they to-day dragged to Congress a delegate, scarcely convalescent, representing Maryland, which favours the narrowing of the limits fixed by the ultimatum.

It has been resolved to consent to a truce, in default of a definitive peace, but on condition of the total evacuation of American territory. It has been resolved that if England demand the restoration of the property confiscated from the disaffected, a demand will be made for the payment of all damage independent of the operations of war. If this demand meet with difficulties, the plenipotentiary will be authorised to drop it. He will be ordered to communicate whatever has a bearing on the negotiation to the King's ministers, and to let himself be directed by them, except as regards independence and the boundaries. The news of the taking of Pensacola has given new strength to the opposition.

P.S. Lord Rawdon has been compelled to evacuate Camden and to retreat to Charlestown. Cornwallis, warned of the danger of this city, has just sent thither a division of his army from Virginia. The commander at Charlestown has published threatening proclamations without any effect. General Greene, free to operate in South Carolina, has taken possession of several posts. This proves still more than ever that the English possess only the places where their armies may be established. p. 20

Philadelphia,  
June 11.

La Luzerne to Vergennes. No. 147. He has conferred to-day with a committee, which has communicated to him the instructions for the plenipotentiary in regard to the peace. Here is the statement thereof.

(1) He is authorised to accept the mediation offered by the Empress of Russia and the Emperor of Germany.

(2) He shall agree to a treaty only in as much as it will effectively assure the independence and the sovereignty of the Thirteen States.

(3) As regards the boundaries and other objects, he shall follow preceding instructions, using his judgment to safeguard the interests of the States according to circumstances.

(4) He shall communicate with the King's ministers, and undertake nothing without their concurrence or knowledge.

(5) If the recognition of independence by England occasions difficulties, he may agree to a truce, provided that she evacuate all American territory.

La Luzerne told the committee that these instructions were incomplete, entrusting to the judgment of Mr. Adams the decision in regard to peace, and the interests of the United States. He has not the qualifications for this immense power. Already for being mistaken on his instructions he has been censured by Congress. He deludes Congress as to the interests of the Eastern States in regard to fisheries. He is ignorant of the distress of the Southern



## SESSIONAL PAPER No. 29b

States. Is it for him to judge as to the danger of a continental war? Will the man who has embroiled himself with the Court of France be able to conciliate the mediators? The obligation of communicating with the French ministers is merely complimentary, for how, except through those ministers, could he negotiate with parties who do not recognise American independence?

In the case of disagreement between him and the French ministry, is it Mr. Adams who will decide? The Court cannot be suspected of preferring to American interests those of England. The only way to prevent all embarrassment is to put Mr. Adams entirely under the direction of the King's ministers

La Luzerne added that the instructions left Mr. Adams free to fix the duration of the truce. The chairman of the committee replied that Congress wished that the truce be for at least ten years.

The committee then discussed La Luzerne's observations. They agreed to various changes in the instructions for Mr. Adams to be submitted to Congress. This latter body accepted the changes proposed; only Massachusetts represented that it was dangerous to leave the King master of all the subjects of negotiation—boundaries, fisheries, confiscated property, etc. It was answered that, during three years of alliance, the King had given proof of such disinterestedness and good will, that they could not refuse him absolute confidence. The changes were adopted and seemed to put the negotiation entirely in the hands of His Majesty, except independence and the treaties.

The readiness with which Congress has accorded with our representations is due to two causes. The first is the absence of Mr. Samuel Adams: by his correspondent, he has succeeded in making this gentleman known to his constituents, and it may be that he will not be re-elected. The second cause is the rupture of the league of New England States and the overthrow of its scheme for prolonging the war. It is to a representative, General Sullivan, that this last success is due. He is very zealous for the alliance, and it will be well to encourage his attachment.

The absence of the New York representatives is another assisting circumstance, intractable as they are on the question of the boundaries which they fix for Canada. Certain representatives are still dissatisfied in regard to Mr. John Adams. It seemed impossible to recall him. On his suggestion, Congress gave him two colleagues, Mr. Jay is one of them. He is of New York, and has its ideas as to the boundaries. He has informed Congress that it would be better to renounce the Spanish alliance than the lands on the left of the Mississippi. Mr. Carmichael, the legation secretary, is of the contrary opinion.

p. 38

La Luzerne to Vergennes. No. 148. He communicates some observations on Mr. Adams' instructions, for the guidance of the King's plenipotentiaries.

During the debates, the first article passed without difficulty. As for the second, it was decided to adhere to the treaties, as being the sole titles for obtaining recognition from the powers. So independence and the treaties should not be touched in any way by the plenipotentiaries.

Third article. There were three opinions on the subject of the boundaries. Some stood for the limits of 1779; others demanded



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the specification of the Ohio in the ultimatum; he could have had this proposal passed, but did not do so because it may be that circumstances will make it necessary to draw back further. The States will not complain if, at the peace, the boundary is fixed at the Ohio. The peace will be less agreeable in proportion as we withdraw from that line. It will, indeed, be accepted, but with general complaint, if we are forced to take as boundary the mountains which separate the rivers falling into the Atlantic and those which flow to the west. That is why the third opinion has been adopted, that is, to refer the matter to the plenipotentiaries and the King's ministers. As several States have settlements beyond these mountains, only absolute necessity could get this boundary accepted, and he doubts if such a treaty would be ratified, dismembering any State. Surrender will be rendered more difficult by the fact that the lands beyond the mountains are assigned as recompense to the soldiers.

On the subject of confiscated property, it was formerly resolved, that Congress would make restitution if the English insisted, on condition that they would recompense the citizens for losses not necessitated by war. In spite of the repugnance of Congress to submitting thereto, this subject will not prevent peace. It is left implicitly at the discretion of the King. These restitutions would become a great burden for the United States.

As vast territories are at stake, it is very desirable that the boundaries be defined completely by the treaty of peace.

Fourth article. The American plenipotentiaries would here be judged very reprehensible if they showed the least reticence in their confidence towards the King's ministers.

Fifth article. Congress has been much embarrassed in determining on what condition it would accept a truce. It leaves to the King the conditions of the truce, but demands the total evacuation of the Thirteen States. It rejects absolutely the *status quo*. It regards the truce only as a way of sparing England the formal recognition of independence. It thinks that, in the circumstances, it would be better to continue the war, than to leave England a single post in the Thirteen States. A truce of ten years is desired, but they would consent to one of five years at the least. As they are ready to adopt it without the hope of a new treaty with the King, he has thought that he ought not to mention the subject.

The surrender of the lands to the right of the Ohio is regarded as compensation for the evacuations that the English will make at New York, Penobscot, and in the South, seeing that these lands are inhabited by American emigrants.

Rhode Island, New Jersey and Delaware,—which cannot expand—New Hampshire and Pennsylvania were favourable to fixing the boundaries. Virginia is more opposed to it than ever. Massachusetts is in the habit of opposing everything that we wish.

The debate has revealed divergent interests in the North and the South. That will determine the choosing of three or five plenipotentiaries, in order to balance opinions. Massachusetts, faithful to its principle, always supports the claims of each State, however exaggerated they may be.

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La Luzerne to Vergennes. No. 149. Congress has considered the recall of Mr. Adams. It was found preferable to give him two fellow plenipotentiaries. Mr. Jay was chosen. General Sullivan

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June 14.



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proposed Mr. Franklin, without succeeding in getting him accepted. He then successfully opposed the nomination of Messrs. Jefferson and Laurens. Sullivan supported the cause of Mr. Franklin, and proposed to add the names of the three candidates to the two plenipotentiaries already named. After discussion, they were unanimously elected.

Mr. Gerard knows Mr. Laurens well. Certain circumstances render him suspect. If the English release him for the negotiations, it will be necessary to watch him carefully. He is doubtful if Mr. Jefferson will accept the nomination. It would be an advantage to have had Messrs. Franklin and Jay added to Mr. Adams.

He has had inserted in the instruments by which Congress accepts mediation this important article, that some, or even one among them could, at need, treat and decide, conjointly with the King's plenipotentiaries. It has appeared to him advantageous to have Mr. Franklin nominated; it will be necessary to use our influence discreetly in his regard, in view of the jealousy which he experiences. He ought even to show himself the most particular on all other points. Mr. Arthur Lee has done everything to obtain the exclusion of Mr. Franklin. The strongest objection was that, having received a concession on the Ohio from England, Franklin would be interested in leaving those territories to the English, for his concession would otherwise become void.

On the proposal of electing a Minister of Foreign Affairs, Mr. Lee received five votes. He is working to obtain the two that he lacks.

p. 64

Philadelphia,  
June 23.

La Luzerne to Vergennes. No. 150. He has learned that the representatives of two States complained of the imprudence of Congress in putting the States at the mercy of the King by the instructions to its plenipotentiaries. They added that the discontented will profit by it to say that Congress has sold them to France; that their plenipotentiaries would play a secondary rôle; that France had false ideas on the fisheries, boundaries, etc.; that it was a wounding of the dignity of the States to hand over to us the transaction which is of greatest importance; and that this measure had been taken too precipitately.

These remarks made an impression on some representatives and on the public. Some of the representatives advised me that a motion had been made in Congress for reconsidering the instructions to the plenipotentiaries, but that the majority, sensible of this false step, had proposed an adjournment. These representatives wished that a compromise could be adopted.

La Luzerne expressed his surprise, but seeing these representatives alarmed at the discontent of their colleagues, he proposed to regard as non-existent the communication made to him, and to reconsider the resolutions taken. He added that France did not wish for a trust which would not be unanimous; that she would not hold to the powers granted, since they produced so much unrest; that the peace, whatever it might be, would not please every one; that they were wrong in imagining that the powers of Europe were favourable to independence.

The result of this language was the reconsideration of the instructions and their confirmation, as he hoped. They leave by the *Anna*, addressed to Messrs. Franklin, Adams and Jay.



Versailles,  
June 30.

They were deluding themselves in America that all the powers were favourable to independence and that the mediators would incline more to the United States than to England. p. 69

Vergennes to La Luzerne. No. 19. Received the despatches up to No. 132.

The United States have the greatest interest in maintaining the integrity of their confederacy. This is the King's opinion, who is fully resolved to do everything to assure this result. He will cease to defend the integrity of the confederacy only in case of the absolute impossibility otherwise of concluding a reasonable peace.

La Luzerne will assure the delegates that the King stands by his engagements both as a matter of principle and of sentiment, and that his interest is the guarantee of his fidelity in fulfilling them; but he will by insensible degrees point out the hypotheses which might render a sacrifice indispensable.

The task will be troublesome and difficult, but he entrusts it to his prudence and to his dexterity. It would be well to make them see that the war cannot be eternal, but he will not let it be seen that he is authorised to speak thus. The King is determined not to propose any sacrifice to them, leaving this task to the mediating Courts, should it become necessary.

On the subject of mediation, matters have in no way changed. There were some preliminary overtures, but not sufficiently explicit to regard them as certain bases of peace. He has, however, invited Mr. Adams to come to Paris.

The accession of Maryland to the confederacy presents the great advantage of giving full powers to Congress, which, hitherto, was without vigour or influence, whence came the languor and incoherence, causes of its lack of success. Congress will be able to give a new development to American patriotism.

La Luzerne has well grasped the King's policy, which wishes the reunion of the States. His action in regard to Maryland has been approved. If we had foreseen inconveniences as a result of the confederacy, we would never have favoured it. Such is still our opinion.

He presumes that the completion of the confederacy puts aside the question of the partial ratification of the treaties by the Thirteen States.

The picture of the southern provinces is very afflicting. He hopes that M. de Rochambeau and M. Destouches will have done all in their power in this regard. In spite of his success, Cornwallis has had to retreat, which will restore tranquillity to the Carolinas.

La Luzerne rendered a great service to America in having Mr. Arthur Lee removed from the office of Secretary of Foreign Affairs. He is prejudiced against France, he is spiteful and his conduct is equivocal. Mr. Deane is perhaps dissatisfied, but his conduct was always worthy of his patriotism. He has said of Congress only what was known

It is afflicting to see the embarrassments that the King's agents are experiencing in their financial operations in America. The evil cannot be regulated so long as a regular arrangement is not arrived at between France and the United States.

He has nothing to prescribe to him on the subject of his wish not to have to attend to finances. Let him act for the best interests of the King.



## SESSIONAL PAPER No. 29b

Philadelphia,  
June 30.

La Luzerne to Vergennes. No. 152. The opponents of the resolutions entrusting to the King the peace negotiations sought to delay the sending of the instructions, but they did not succeed, for he has had them watched by a colleague.

Another attempt was to make the right of fishing on Newfoundland an article *sine qua non* of the commercial treaty with England. Its authors believe that England will make peace only on condition of a treaty of commerce being signed on the same day. Now, Mr. Adams alone is to negotiate this treaty. He would thus be able at his will to embarrass the work of pacification. But the motion has been rejected. Its promoter, Massachusetts, was abandoned by Virginia. The proposition of the latter to make the limits of 1779 an article *sine qua non* of the treaty of commerce was defeated, Massachusetts voting against it. They will return to it, but he will warn the moderates of these intrigues by people who wish for peace only at their own satisfaction. It is said that the successes of General Greene are one reason for making no sacrifice.

The American successes in the Carolinas are important, and the inhabitants of those provinces and of Georgia are enrolling under the banners of the Congress. The English are having recourse to corruption. In Maryland and Virginia malcontents have been arrested who were to take up arms on the arrival of Cornwallis. The latter, having been checked, is retreating before M. de La Fayette.

The savages of the English armies, which spare neither friends nor enemies, make more conversions than the exhortations of Congress.

On the subject of the expedition to Canada—which he had difficulty in averting—General Washington wrote to General Sullivan, who had thought of making a motion thereon, a letter which has been intercepted by the English. He does not express himself very clearly in it, but declares that New York ought to be attacked. The English are warned.

p. 84

M. de Marbois to Vergennes. No. 157. Mr. Thomas McKean has just been elected President of Congress, in place of Mr. Huntingdon. He is a delegate from Delaware, and Chief Justice of Pennsylvania. He declared that he cannot, in view of his duties, remain in office beyond November 1st, date of the annual election.

Three delegates have successively refused the office, as well as General Sullivan, who believes that he can be more useful on the floor of the house than in the chair. Mr. McKean had difficulty in obtaining the number of votes required. He is a Presbyterian, and he has almost always made common cause with Massachusetts. He has already proposed an expedition to Canada. He exaggerated the duties of France towards the States, but favoured the entrusting of the negotiations to the King. A strong man and able lawyer, he possesses influence in Pennsylvania, but his relation with President Reed causes estrangement.

Ex-President Huntingdon was much attached to the alliance. We cannot be otherwise than satisfied at his conduct. He has retired to a farm. He will probably be elected Governor of Connecticut.

The *Freeman's Journal* publishes an article which is the first appearance of a party which disapproves the last instructions sent to the Plenipotentiaries. It sustains the strange idea that the treaty

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of peace ought to be ratified, not by Congress, but by the people. Eleven weekly papers circulate in Philadelphia, and the opposition announce that they will make use of thef and will produce some embarrassment for the negotiators by means of the treaty of commerce, which Mr. Adams is to conclude by himself,—but it is hoped that the other ministers will be joined to him.

He sends a pamphlet which tries to prove that Canada, Nova Scotia and Newfoundland ought to be independent, and that the powers of Europe should not participate in the fisheries. It has been read with eagerness in New England.

The delegates from the East base their pretensions to the fisheries on the principle of the League of Neutrals. The restrictions placed on the fisheries by some powers, they say, are as unjust as the tyranny of Great Britain towards certain weak countries, for the nations have a common right to the fisheries. and the powers of Europe will maintain it.

This plan of getting the people on their side by means of the public prints is much more dangerous in that there would be great inconveniences in publicly refuting them. He confines himself to saying that the King cannot be suspected of wish to aggrandise the common enemy at their expense, but that it may be, if the peace be not well founded, that the King will find it impossible to succour them as effectively as he is now actually doing.

Mr. Morris, the superintendent, has written to Mr. Jay directing him to seek in Spain a loan of four or five million dollars, payable at Havana. He says that it is unnecessary that, by constantly drawing on France, her resources, employed so usefully, should be diminished. With Spain's money the States will produce three times more service than she. He adds that, from the way in which the taxes are being paid, the resources of the Thirteen States will be able to suffice for the continuation of the war in the future.

Mr. Morris next begged him to write to M. de Montmorin to induce him to support Mr. Jay's request. M. de Marbois replied that Mr. Jay, being on the spot, could undertake those solicitations, but that he might send M. de Montmorin a statement of the finances of Congress, for his guidance.

Mr. Samuel Adams and his party in the East are making every effort to cause the miscarriage of Mr. Morris's bank project; the latter stands by his guns.

They hav communicated to Mr. Franklin his nomination as negotiator. The storm directed against him seems dissipated, for the moment.

The English are committing outrages in Carolina. They embarked some families on vessels, threatening to transport them if they would not recognise the authority of the King of England. Some old people and some invalids have submitted. Sixteen vessels are to conduct to Pennsylvania and Virginia the rest of those voluntary exiles. p. 124

M. de Marbois to Vergennes. No. 158. M. de Letcombe has just arrived.

Congress expects to see Mr. Laurens return without new assistance, being persuaded that what Mr Franklin obtained is all that the King could do for his allies. Confidence has never been greater. It remains to examine if their needs do not require the continuation of pecuniary assistance. Mr. Morris told me that with some millions

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from Spain, he would not have to have recourse to France. But a letter from Mr. Jay announces that Spain is little disposed to give the loan requested. If the refusal continues, it will be indispensable for us to come again to their succour. However, if it were impossible, the affairs of the Americans are in such a situation that, while being quite out of condition to attack, they can nevertheless, maintain an advantageous defensive. But plentiful supplies will be absolutely necessary: arms, cloths and ammunition. For it may be that the vessel, *Marquis de la Fayette*, has been captured, which would be an incalculable loss for this campaign.

Probably Mr. Jay has not communicated to Mr. Franklin the instructions relative to the Spanish negotiations. He disapproves of the concessions that Congress was disposed to make to Spain. It is probably he who is delaying the negotiations. Mr. Carmichael is better disposed. Mr. Jay's letters bespeak his regard for France. One of them, which he encloses, depicts his character, and shows his esteem for Mr. Franklin. We may conclude that they will act together in the negotiations. Mr. Adams and Mr. Jay are far from being of good accord.

Congress has never been better disposed towards Mr. Franklin, thanks to the declarations of Vergennes. So long as the delegates are not changed, he will not be recalled.

As for Mr. Adams, in the fear of seeing him embarrass the peace negotiations, a motion has been made to withdraw from him the powers of treating alone with England for a commercial treaty.

A delegate observed to Marbois that, by this withdrawal of powers, the negotiations might be delayed, if England demanded a commercial treaty as a condition *sine qua non*, for the negotiators could not conclude it. He replied that the negotiators, having unbounded latitude, save as regards independence and the treaties, could introduce into the treaty of peace an article relative to the commercial treaty. Marbois believed that there was less inconvenience in rendering the conclusion of a treaty of commerce difficult than in leaving Mr. Adams alone entrusted with this negotiation.

The motion was carried by eight votes and Mr Adams is no longer charged with the conclusion of the treaty of commerce. The delegates from Massachusetts have displayed much anger, and propose to have it reconsidered.

New York, after an enquiry into his conduct, has approved Mr. Deane, and directed him to resume his place in Congress.

The party opposed to the last instructions hope, thanks to the arrival of the delegates from New York, to have them revoked.

Vermont seems to be withdrawing from the common cause and to be making approaches to England, the delays of Congress having alienated the inhabitants. Several counties of New Hampshire have joined them. The disorder that reigns there will probably compel the return thither of General Sullivan, whose presence is so necessary in Congress.

The party of those who oppose leaving the negotiations to the King, are preparing their schemes for the revocation of the instructions. They have communicated to several the secret details of the affair, as likewise to their States. They say that these will rise in indignation on learning that their existence and their interests are sacrificed to an imprudent confidence in the King.



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M. de Marbois has restrained the printer of the most independent newspaper from printing an article on this subject, which showed little respect for the alliance.

A former delegate, a friend of Mr. Jay, much opposed to the preceding party, seems disposed to write to his friend to take no part in the negotiations.

Certain delegates fear lest the opposition renders the alliance less popular, above all if the peace has not all the advantages expected. Marbois replied that the people would see in the peace what their leaders might make them see, that the motives of the opposition came from their interest in continuing the war. It seems impossible, moreover, that a peace, whatever it be, could satisfy all the States. New Hampshire favours the alliance. Massachusetts follows Mr. Samuel Adams. Rhode Island is divided. Connecticut holds to the Eastern League. Their religious connections closely unite all the Presbyterian delegates from the North, where their sect dominates. New York, part of which is invaded, is attached to the King, but if its capital is retaken it will be intractable on the article regarding the boundaries.

Presbyterianism unites New Jersey to Massachusetts, but, being without private interests, it will be disposed to peace, and recently Dr. Witerpoon [*sic*] separated from the northern league. Pennsylvania has been favourable to the peace, but she is much excited. Suspensions are entertained of the President, who will not leave office peaceably. She will welcome peace eagerly, if it leaves here western boundaries.

Delaware follows leaders allied with Massachusetts.

Always moderate, Maryland is sincerely attached to the alliance,—more than other State.

Virginia is obstinate in her claim. One of her delegates, Mr. Jefferson, who was governor of the State, is a patriot, whose courage and hatred of England determined, in a large degree, Congress in declaring independence. His prejudices for his State and his inflexibility may cause trouble for the negotiators.

In three Southern States peace will be received with joy by all classes should it preserve their boundaries. p. 136

Vergennes to La Luzerne. No. 20. Received his despatches up to No. 146.

The King is pleased at the manner in which M. de La Luzerne has informed Congress of the subsidy of six millions, which ought to be convincing as to the intentions of the King.

He has done well to leave the six millions at the disposal of Mr. Morris since he saw that he would offend Congress by leaving them at that of Mr. Washington.

La Luzerne has fixed at two millions the purchases to be made for the army, declining to authorise Mr. Morris to give drafts for the rest. He has already given them for 500,000 livres on M. Le Coulteux. As Mr. Laurens ought to take away in cash the six millions, he desires that Mr. Morris abstain from issuing new drafts for the advances made to Colonel Laurens exceed by several hundred thousand livres the six millions, and it will be necessary to replace the goods captured with the vessel, *Marquis de la Fayette*.

He adds a schedule of the sums which will still be needed by Mr. Franklin to meet the drafts which are drawn on him with an unpar-

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alleled inconsiderateness. It should be necessary, moreover, not to abuse the King's generosity.

He will declare to Mr. Huntingdon, for Congress, that it must not be expected that the King will continue next year the enormous succours that he has furnished this year. It is time that the Americans paid their own way. He will give them no hopes. The King does not wish to cut off all help from them, if it be needed, but he wishes to retain his liberty, and not to let the Americans draw, at their whim, from his treasury.

He trusts that Congress will refrain from making any draft subsequent to the 1st of April. Mr. Franklin is warned not to accept any after that date, for the thing is becoming a nuisance, to the point that they have shuffled on to us drafts drawn on Mr. Adams, Mr. Jay, and Mr. Laurens. This shows that Congress is mistaken in counting on the pecuniary assistance of Spain, and also of Holland. This power has refused any loan for the United States, which has determined the King to offer himself as principal borrower.

We do not yet know how to give Virginia and Maryland the objects which they need. We will send them as soon as possible, reserving the settlement of terms for a later time.

The confidential transmission to General Washington of the orders given to M. de Grasse will have put him in a position to calm the anxious at the non-arrival of our second division.

La Luzerne will not encourage the hope of the sending of new French troops, the state of affairs not permitting it.

Nothing tends to prove the favourable disposition which the agents of Congress imagine on the part of the European powers. The United States ought to regard themselves as isolated and rely mainly on their own strength.

He has had an interview with Mr. Adams on the subject of the negotiations of the mediating courts, and this agent appeared satisfied at our conduct. We are at the moment seeking to remove the difficulties in regard to America.

Let him urge Congress to address to its plenipotentiary precise instructions in regard to the peace, and to give him sufficient latitude for making sacrifices which might be necessary, except on independence.

In regard to the *status quo*, as an armistice, it will be for the mediators to make the overture. It will be well, however, to sound the members of Congress on these points, and to lead them to moderate views, but without committing himself to any opinion.

We have learned with pleasure the disposition of Congress to entrust to us its interests in the mediations. We will make use of this power only at the moment opportune for the good of the negotiations.

He approves the pecuniary assistance given to General Sullivan, and La Luzerne may continue them to him as long as he sits in Congress.

Schedule of amounts furnished by the King or still to be furnished in the course of this year for the service of the United States of America.







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They have entered into communication with the committee, but, although Congress favours their admission, they are meeting with difficulties on the part of New York and of the Southern States. The latter assert that this will furnish a motive for similar pretensions, that the accession of Vermont will destroy the balance between the North and the South, and that this State makes extravagant claims in regard to boundaries.

If Vermont is admitted and its limits fixed, with mutual guarantee of territory, our recognition of this State will have inconveniences for us, if the recognition of its boundaries is inferred therefrom.

Situated on the frontiers of Canada, Vermont has unreasonable claims on its extent, and it may be that at the peace it will be necessary to leave a part of it to England.

In case of notification of the admission of Vermont, he will reply simply that he will report it to the King. p. 11

Philadelphia,  
August 23.

La Luzerne to Vergennes. No. 170. He has received word from M. de Grasse that he left, with his fleet, on the 3rd of August, for the Chesapeake. Merchant vessels have confirmed the departure of his fleet, composed of twenty-three sail. He has on board the regiments of *Gatinois*, *Aginois*, and *Touraine*, 100 dragoons, 100 artillerymen, and some cannon. He brings 1,200,000 livres.

La Luzerne at once sent M. d'Annemours to Virginia to make preparations for supplying provisions.

At the moment no plan has been decided against New York. although the allied army is making demonstration suitable for persuading the English that it is the objective of the campaign. As a result Mr. Clinton recalled Lord Cornwallis, who, after having embarked his troops, landed them again at York and Gloucester.

This change was due to the arrival at New York of the garrison from Pensacola, and of 2,000 Germans, without counting 1,500 men recently arrived from Charlestown. Clinton then decided to let Cornwallis continue his operations. Intercepted letters show that Admiral Hood is to come to New York with a squadron of ten or twelve vessels, to join Mr. Graves, who has seven.

The army, to which he gave information of these details, had just received word that M. de Grasse had appeared in the Chesapeake. The Generals at once decided to proceed thither with all the French troops and two thousand American soldiers. This march will be expedited by the preparations made. Batteaux have been prepared on the Delaware and the Chesapeake. They will leave 5,000 men at West Point and the forts in the neighbourhood, and Washington goes to the South at the head of the army.

This resolution, unforeseen by the English, depends for its success on the arrival of M. de Grasse. He has written to him in detail regarding the state of affairs.

Cornwallis has 5,000 men; La Fayette has two thousand regular troops and 5,000 to 6,000 militiamen. He will unite his corps to that of Washington and de Rochambeau. If the expedition against Cornwallis, who, joined by many negroes, is fortifying himself, does not take too much time, they will attack Charlestown. The English will not be able to defend themselves there except by evacuating Savannah and Beaufort.

Our fleet appeared superior to that of Admiral Hood. So M. de Barras, in place of joining M. de Grasse, wished to proceed against



Newfoundland or some other port to the north. But the generals of the allied army wish him to join M. de Grasse.

The French and American armies live in harmony and the soldiers maintain perfect discipline. The *Legion de Lauzun* has suffered from desertion. The English have experienced a more considerable desertion since the proximity of the allied army to their line.

By this manoeuvre the central States are uncovered, but the advantage that the common cause ought to obtain from it outweighs this inconvenience.

The army administration consents to refer to Mr. Morris the negotiation of drafts.

The Congressional frigate *Trumbull* has been taken by the *Iris* and brought to New York. p. 16

Philadelphia,  
August 24.

La Luzerne to Vergennes. No. 171. He had communicated to a committee of Congress the King's offer for a treaty of alliance to be made with Holland. Seeing that it was being neglected, he again requested a reply. Congress, in consequence, passed the following resolution on the 16<sup>th</sup> of August: Resolved that the plenipotentiary, Mr. Adams, who had already full power to conclude a treaty with Holland, receive further powers for concluding a treaty of alliance between France, the United States, and Holland, which treaty will be limited to the duration of the present war; and that the plenipotentiary confer with the King's minister at the Hague, and be authorised to admit Spain as a contracting party. „

La Luzerne has in no way influenced this resolution, which differs a little from his communications. It proves that the United States wish to conclude, without intervention, a treaty with Holland, limiting it to the duration of the war, without being compelled to sustain the cause of Holland, after the attainment of their own object in the war. Mr. Adams has further power to conclude a treaty of amity and commerce. p. 23

Versailles,  
September 7.

Vergennes to La Luzerne. No. 21. Received his despatches up to No. 150.

The instructions proposed were imperfect, for they put the cause of the United States into the hands of Mr. Adams. With his character and his principles, these powers would have been dangerous. So the King approves of the vigour with which La Luzerne has commented on the instructions of Mr. Adams as they were proposed. The instructions, as adopted, seemed sufficient, the more so because Mr. Franklin, by his sagacity, will temper the obstinacy of Mr. Adams.

To calm anxieties on the subject of independence and of the honour of Congress, entrusted to the hands of the King, La Luzerne will give assurance that the King, instead of abusing it, will use his influence on the American agents only for the greater benefit of the United States, and circumstances alone can forestall him.

As proof of his interest, the King defers subscribing to the preliminaries proposed by the mediating Courts until the admission of the American Plenipotentiaries be determined in a manner conformable to their dignity.

The King will use his authority over the American ministers with so much the more moderation as all unfavourable stipulations will infallibly be imputed to him.



## SESSIONAL PAPER No. 29b

Finally the King, who wishes for a spontaneous confidence, will see without regret Congress give more liberty to its plenipotentiaries, if it regrets having limited them, but then it is Congress that will be responsible for the outcome.

It would be premature to discuss the article regarding the boundaries, which are subject to the results of the war. Congress has taken a wise course in not deciding on them. Our intention is to prolong, as much as we can, the length of the truce, if we are compelled to accept it.

As to the *status quo* in America, it does not enter at all into our terms, although advantageous to us personally, in view of our conquests; but, for the sake of America, we have opposed it in our reply to the mediators. But that, like the rest, depends upon events.

The Court of London refuses absolutely to treat of the affairs of America at Vienna, which postpones mediation.

This conduct shows how necessary it is for the Americans to drive England to peace by force of arms.

He has always believed that Congress would have repugnance to subscribing to the proposition of a truce, and that it would arouse suspicions as to our designs. It was in order to remove these obstacles that the King had decided to propose to Congress, if there were need of it, the renewal of the alliance, in case of a war after the truce. This expedient has not been used, and it will be much more prudent not to make mention of it, as it is better, in case of necessity, that the Americans themselves solicit a new alliance.

He has learned with much pleasure that Mr. Adams will not be sole plenipotentiary. He does not suspect his patriotism, but he is more suited, as he himself admits, for controversy than for conciliation. It is to be desired that Mr. Franklin, whose prudence is undoubted, should have a preponderating influence over his colleagues.

Messrs. Jay and Jefferson belong to States with extravagant pretensions. The particular good may have more weight with them than the general.

The nomination of Mr. Laurens has been a surprise, since he is a prisoner of the English. He does not believe that they will release him before the peace. He imagines that Mr. Jefferson will not remove from home for a work from which he would not receive all the glory.

Congress will feel keenly the loss of the vessel, *Le Marquis de la Fayette*, loaded with things necessary for the army. The King wished very much to replace them as soon as possible. We are going to supply the needs of Virginia, whose disbursements will be covered by the loan from Holland, which, it is hoped, is going to be put through. They will themselves forward the surplus for Congress, but for hers Virginia ought to send vessels.

He hopes that Colonel Laurens has arrived in America, and as he was bearer of two millions, it is expected that Mr. Morris will have limited his drafts to the 500,000 livres drawn on M. Le Coulteux. Otherwise we have no means of meeting them. Moreover we have declared to Mr. Franklin that we will not accept drafts drawn after the 1<sup>st</sup> of April.

p. 27

Philadelphia,  
September 21.

La Luzerne to Vergennes. No. 179. He has received his letters up to No. 20.



The arrival of M. de Grasse and the success expected made circumstances opportune for the announcements to be made to Congress. He asked for a committee and divided his communications into three groups: negotiations, political affairs, and finances.

He had nothing more to wish for on the subject of Mr. Adams and of his instructions, so he did not speak of them.

The committee was composed of five members, and of Mr. Deane, its president. La Luzerne began with the details regarding the mediation proposed and accepted by the two Imperial Courts. Then he communicated the two questions proposed by the King to the mediators, touching the admission of the American plenipotentiary, and the form of treaty to be concluded. He added that the King would not countenance any negotiation before receiving a satisfactory solution on these points. The committee expressed the liveliest satisfaction thereat, saying that this conduct could only augment the confidence of Congress in the King.

La Luzerne told them that England maintained her intention to treat only after the dissolution of the league between France and her rebellious subjects, and the predetermination of the dependence of the colonies. It was known that Mr. Fox's motion aiming at peace and the recognition of independence had been supported by more than a third of the House, and it was hoped that the expected successes of General Greene and M. de Grasse would cause the triumph of the peace party.

La Luzerne replied that it was necessary not to rest on the hope of peace and expectation of success; that the English unquestionably would demand the territories occupied. He asked in what condition were the preparations for the next campaign. The delegates admitted that they were very backward. La Luzerne continued that it was by victories, not by persuasion, that we would force the enemy to peace; that France could answer for her fidelity, but not for her resources; that a European complication against us was always possible. A report of his communications will be transmitted to Congress.

He also made the committee understand that the United States ought not to expect to be strongly supported by other powers than France.

The president expressed to him the sorrow felt by Congress at the conduct of Spain. She had made promises, but had not even paid the drafts drawn on Mr. Jay. Without the support of M. de Montmorin, it is the opinion of Congress, Mr. Jay would have been obliged to quit his mission as a fugitive.

To the remark of La Luzerne that it was necessary to satisfy Spain on the points in dispute, Mr. Deane replied that everything had been done, but that the Spanish ministers obstinately refused to make known their intentions.

Mr. Jay has expressed his gratitude at the kindness of the King of France, and of Montmorin. Congress expressed its thanks thereat through the committee. As for the negotiations, La Luzerne is led to believe that Mr. Jay has not made use of all his powers, and that he has refused the concessions authorised by Congress. p. 39

La Luzerne to Vergennes. No. 182. He has sounded several delegates from the East on the possibility of a dismemberment necessary for peace, but without any success. They reject this idea with horror, regarding it as impossible. They were revolted by it, even when the



## SESSIONAL PAPER No. 29b

South was in the hands of the English. To-day when Congress is triumphing in the provinces and the English army seems to be a prisoner there, it becomes still more impossible. Moreover, the ferocious war that the two parties are making in the South, the murders and the ravages of the English are carrying hatred of England to the highest pitch. That proves that a dismemberment could be adopted only after immense losses and defeats.

La Luzerne occasionally compared the American Revolution with that of the Low Countries, but the Americans denied the comparison and combatted it by their successes.

Fort Grisewold, in Connecticut, has been destroyed. The neighbouring town of New London was completely burnt. Grisewold was gallantly defended by 160 militiamen, who were almost all put to the sword. Arnold commanded the expedition, which lost 250 men. It is said that this town is his native place. It had attracted the hatred of the English by the success of its privateers, almost all of which succeeded in escaping.

A man who left Quebec at the beginning of the month reported to him that the English and the Canadians have been employed, this summer, in cutting wood for masts and construction work, which will be sent to England on board 70 vessels, that have brought merchandise and flour from Europe. Hitherto he did not believe that England was feeding the inhabitants of Canada. This traveller has assured him positively of it.

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Philadelphia,  
October 2.

La Luzerne to Vergennes. No. 183. The operations of M. de Grasse in Virginia will probably confirm the independence of the United States, and the part taken therein by M. de Rochambeau's division is glorious for the French army. Here are the details of this affair.

M. de Grasse had orders to proceed with his fleet to the coasts of America. He was free to concert his operations with General Washington and M. de Rochambeau. In April the English were not yet firmly established in Virginia. Greene was manoeuvring in South Carolina around the victorious, but ruined, army of Cornwallis.

General Washington pointed to New York and Charlestown as the two main objectives, wishing, however, that M. de Grasse first appear at Sandy Hook, in order to blockade the English fleet, join M. Barras, and maintain the mastery of the sea.

He requested M. de Grasse to bring as many troops as possible for landing.

Leaving Newport, the French army came and encamped on the Hudson, near New York. Washington joined them with his forces. We were making preparations against New York when the *Concorde* arrived, bringing the generals a new plan of operations, proposed by M. de Grasse. The successes of Cornwallis led him to believe that the point to be succoured was Virginia. Whatever his motive may have been, his plan could not be better; for New York, with a garrison of 8,000 soldiers and 4,000 militiamen and good fortifications was impregnable for an army of 10,000 men.

Adopting M. de Grasse's plan, Washington had the allied army cross the North River, and it was on the Delaware whilst the English were still anticipating an attack on New York.



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A letter from Washington to La Fayette, intercepted by the English, confirmed them in this idea. Cornwallis thought himself secure, and all the time the allied army was advancing rapidly. Doubts were beginning to be felt of the appearance of the French fleet when the generals learned of its arrival in the Chesapeake.

Cornwallis selected a defensive position (Yorktown). M. de Grasse landed 3,200 men under M. de St. Simon. M. de La Fayette took the command and awaited Washington's army.

On the 29<sup>th</sup> of August Admiral Hood, with fourteen ships, had joined Admiral Graves, who had eight ships. Four days before, M. de Barras with his squadron, eight ships, two frigates and twelve transports, left Newport for Chesapeake Bay to join M. de Grasse. In the interval Admiral Hood came out of New York with nineteen ships and proceeded to offer battle to the fleet of France in the Chesapeake. M. de Grasse came out on the 5<sup>th</sup> of September with twenty-four ships to join battle. After the combat, the fleets remained near each other for four days. They passed out of view of each other on the 10<sup>th</sup>, and M. de Grasse returned to the Chesapeake. Several English vessels suffered considerably in the action, among others, the *Terrible*, the *Vengeance*, and the *Princess*. On his return to the Bay M. de Grasse found the squadron from Newport there. He thus found himself at the head of a fleet of thirty-five ships.

Washington had left his army on the 3<sup>rd</sup> of September. With the greatest speed he reached Virginia, spent a few hours in his home, which he had not seen for seven years, and arrived at Williamsburg. Towards the end of September the army was before Yorktown after a march of 200 leagues, executed with the greatest promptness.

In the interval, Cornwallis had fortified himself. The situation is favourable. Marshes, abattis, a strong artillery, and 5,000 to 6,000 men compose his defence.

Mr. Washington and M. de Rochambeau are much pleased with M. de Grasse. The troops landed have conducted themselves well, as have those of M. de Rochambeau. The troops have borne in good spirit a failure of bread during some days. Washington declares himself very well pleased. The expedition promises to succeed, although the enemy will defend himself vigorously. p. 12

Philadelphia,  
October 3.

La Luzerne to Vergennes. No. 184. Thanks to the success of General Greene, the inhabitants of Georgia have re-established the regular government at Augusta and chosen Mr. Nathan Brownson as governor and four delegates for Congress. The Georgians declare that they will suffer anything sooner than English domination. He sends a copy of a proclamation of the governor. The Georgians are asking for assistance. During a considerable time they have had to withdraw into the mountains and woods, attacked at the same time by the English and the Indians, resisting to the last.

Mr. Howley, their former governor, and member of Congress, is a man of no weight. He is suspected of shuffling and Georgia has recalled him.

The English no longer hold anything except Charlestown, New York, Savannah and Penobscot.

In this state of affairs, it is impossible to speak of a dismemberment of the Thirteen States. Successes have so raised the courage of the Americans that they regret even to have allowed the conclusion of a truce.



## SESSIONAL PAPER No. 29b

The merchants of Boston, urged on by Mr. S. Adams, are beginning again to circulate reports that its existence depends on the fisheries, that it is essential not to cease from their claims, but to address representations to Congress.

La Luzerne trusts that he will prevent these ideas from making progress in Congress and change being made in the last instructions.

He has authorized the comptroller (Mr. Morris) to draw on M. Le Coulteau for £198,981 13s. 4d. It is improbable that new requests will be sent. The States will take more efficacious measures for the arrangement of their finances. This department is improving every day. The assembling of a body of militia is at this moment absorbing the resources of Pennsylvania and New Jersey, for they have become alarmed, although it is improbable that Mr. Clinton will advance as far as Philadelphia.

This panic will cost at least a million, and unless they quickly send back the militiamen the farming work will suffer. p. 28

Vergennes to La Luzerne. No 22. He has received the despatches up to No. 160.

He is surprised to see certain American delegates troubling themselves so much on the subject of the confidence which ought to be displayed towards us by their plenipotentiaries. They do not do us justice. To tranquillise them the only way is to leave Congress the liberty of restricting or revoking the instructions to the plenipotentiaries. He will make a declaration to this effect to the President of Congress, to be communicated by him to that body. He hopes that this step will make them blush at their distrust.

At the same time he will mention to Mr. M'Klead [McLean] the embarrassment to which the American plenipotentiaries would be exposed if left to themselves. The President will perceive the necessity of leaving them under the direction of an ally who desires their liberty and well-being.

The members of Congress who wanted to withdraw themselves from our influence thought America capable of obtaining peace for herself or count on finding opportunities with England or with the mediators. They delude themselves: the efforts of the Americans up to the present have been able only to check progress of the English. If we do not control circumstances they will control us, and with us the Americans who, in spite of their pretensions, will have to yield in order to obtain the essential, independence.

They count on our zeal: we are waging war for them. All the same, in case that the war should be unsuccessful, it is necessary to impress on them the moral that they will have to yield.

The mediators have transmitted neither the response from London to their preliminary overtures, nor their own replies to our questions. At this rate, peace is still far off, save in the event of a decisive stroke in America.

Mr. Franklin has communicated to us his instructions: they leave nothing to be desired. We have seen with pleasure the revocation of the full power of Mr. Adams to make a treaty of commerce with England, for it was a dangerous thing to have the peace depending on this point.

The agreement of Massachusetts on the subject of the fisheries is a false application of the principles of the Association of Neutrals. They did not wish to render commerce and navigation free over the

Versailles,  
October 7.



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whole world. That would be to overturn the regulations of all nations. They wished to guarantee their flag and their commerce from the tyrannical jurisprudence of England. Their convention cannot apply to the fisheries.

Spain, needing her resources, has given Mr. Jay no hope of a loan. Mr. Morris ought not to expect that France will replace the loan refused by Spain: we are not in a position to supply it, and we have done enough for the United States this year. As for the loan of ten millions in Holland, we are almost certain that it will be taken up immediately.

He encloses a memoir of the advances made to Congress for six millions, which he is to communicate to Mr. Morris.

It is necessary that Congress authorise Mr. Franklin to sign all the documents necessary to obligate the United States towards the King in regard to the loan of ten millions in Holland. The interest will be four in place of six per cent.

The King approves the conduct of La Luzerne in regard to a Frenchman who wounded an officer of justice. No assistance is to be given to any who may be in like situation. p. 35

Philadelphia,  
October 16.

La Luzerne to Vergennes. No. 187. To promote commerce with France, he has constantly urged Congress to take measures for preventing commerce with England by way of the neutrals or in contraband. Congress has adopted more satisfactory resolutions on this subject, and even, at his instigation, certain States have passed special laws in this regard.

It is very difficult to check this commerce: the patriotism of the Americans does not hold against their old habits and five per cent. profit. The richest merchants continue to bring English merchandise from St. Croix and from St. Thomas. Several have even presented a petition for the restitution of such cargoes by Pennsylvania, requesting that this trade be permitted them, or be forbidden equally to the other States. In addition to this, the prizes captured, the pretended prizes, the commerce also from Lorient have filled up the store-houses with English merchandise.

The administration is little clear in its views on this point. and the establishment of custom houses is so imperfect that Congress cannot suppress the disorders.

It is occupied at the moment by an ordinance regarding the navigation of neutrals. and to make favour with the Empress of Russia it adopts the principle of the neutrals, requiring that the property of the enemy be respected so long as it is protected by the papers of a neutral power. So English merchandise could come to America without inconvenience and replace ours loaded with heavy insurance charges. Then the benefit from the neutrality would be to the English.

In these circumstances he has induced Congress to suspend the adoption of its resolutions until the Association of Neutrals has recovered some consistency.

It is also to be desired that it could be established what are the English goods which have come in as prizes, with the offer of the co-operation of France to prevent frauds. p. 47

Versailles,  
October 18

Vergennes to La Luzerne. No. 24. He has received the despatches up to No. 164.



## SESSIONAL PAPER No. 29b

Although at war with England, Holland will not open communications with the United States in order not to embarrass the peace negotiations. However Congress will do well to have an accredited representative in Holland, one, however, who will receive his directions from Mr. Franklin, in order to avoid incongruities in the negotiations.

The members of the English opposition have made advances to Mr. Adams, who does not speak to us about them. These secret negotiations are of a character to give defiance to us, which is not the intention of Congress.

Russia is not opposed to independence, but the Americans would be in error in believing that she would make the slightest demonstration in their favour, so long as the war lasts. She will support the American interests only on the day when they will have proved their superiority over England. It is, therefore, by their own efforts that they ought to seek success.

He is surprised to see that the pecuniary assistance of France has not brought the Americans to develop their resources and to balance their finances. La Luzerne will announce, therefore, that the King will be hereafter utterly unable to procure new loans and to furnish new succours. It is for the Americans, then, to provide for the expenses of the next campaign. There will remain only a little, and perhaps nothing, of the Holland loan for the use of the following year, the advances having absorbed almost everything. It will be necessary to warn Mr. Morris positively that the drafts that they might furnish beyond the six millions of the King's free gift, would run the risk of being protested.

The actual position of America is so satisfactory that the English must find themselves in great embarrassment. He hopes that the removal of danger will not bring on inertia, but that they will profit by it finally to drive out the English.

The mediation of Vienna and of Petersburg remains inactive, and it will remain so unless in the event of important happenings in the war. The only real obstacle is the independence of America. England will recognize that only if she is reduced to extremities. Let the Americans understand that well.

He approves of the refusal of La Luzerne to assist the exiled Carolinians by means of the subsidy. It is granted to assist the American army and not for works of charity. But the King approves of his having caused a subscription to be made.

La Luzerne to Vergennes, No. 188. Mr. Adams has informed Congress of his steps for having himself recognized by Holland as minister of the United States. They have also received the memoir which he presented.

Congress has easily perceived the imprudence of this conduct and the humiliation resulting from the non-response of Holland. It has proved that Mr. Adams was little suited for the *rôle* with which he is charged. A motion was made for his recall, but his friends have pleaded excess of zeal and the motion was defeated. However, he will be again ordered to direct himself by the counsels of the ambassador of France.

Congress received yesterday the details of a victory by General Greene on the 8<sup>th</sup> of September. The battle took place sixteen leagues from Charlestown. The Americans had about 2,100 men

Philadelphia,  
October 18.



4 GEORGE V., A. 1914

and the English about 1,800. The continental troops showed the greatest courage and made use almost solely of the bayonet. Those of Maryland gave no quarter and shouted to the enemy "Remember Camden." The American has 500 to 600 killed and wounded. About 600 English were killed and wounded and about 600 were made prisoners. The English have no longer anything in the south but Char'estown and Savannah. Greene has been able to make exchanges for all the American prisoners taken at Charlestown and Camden, and he still has 1,500 prisoners.

This bloody affair at Eutaw Springs will compel the English to send detachments from New York to the South. In the opinion of certain persons it would be necessary to send M. de Grasse against Charlestown, but Congress is more reasonable.

Since the arrival of M. de Grasse on the coast, confusion and irresolution reign among the enemy. In an intercepted letter Clinton wrote to Cornwallis that the whole English fleet will set sail with 6,000 men on board, and that nothing will be spared to make a diversion in his favour. The garrison of New York is reduced to 15,000 men.

It does not seem that the fleet has yet set sail.

Washington informs Congress that unless in the event of an unforeseen reverse the reduction of Cornwallis will be accomplished with success. The operation has been conducted with prudence and harmony and several circumstances have been very favourable. Three frigates and forty transports blockaded with Cornwallis entered the Chesapeake only a few days before the arrival of M. de Grasse. That will be a great inconvenience for the English who will not be able so easily to transport their troops from one state to another.

Philadelphia,  
October 22.

La Luzerne to Vergennes, No. 189. An express has just brought to the President of Congress the news that Cornwallis surrendered on the 17th. Without doubt, a frigate will be sent to convey this important news to the King. It has come by a letter from M. de Grasse to the Governor of Maryland.

On the 19th the English fleet, comprising 26 ships, 20 fire-ships, several frigates and 45 transports, left Sandy Hook. The transports put 5,000 men on board the ships and returned. The fleet sailed for the south, but we do not believe that it engaged in battle. It went out in order to show that the Admiral did everything in order to save the army of Cornwallis.

Philadelphia,  
October 27.

La Luzerne to Vergennes, No. 190. M. de Rochambeau and M. de Grasse will send the King the particulars of the capitulation of Cornwallis. He sends Washington's report to Congress and the journal of the siege. He will add only some details glorious for France and useful for understanding the present situation of affairs.

M. the Comte de Grasse has informed him on his arrival that it was his solicitations that had determined him to bring his forces into the Chesapeake. For M. de Barras had sent M. de Grasse a memoir in which La Luzerne set forth the critical situation of Virginia and Maryland, which decided M. de Grasse to act. Like the troops of M. de Rochambeau, those of M. de St. Simon, come from St. Dominique, have distinguished themselves by their discipline and their courage. The troops have many times demanded to be led to the assault. The French engineers have constructed the trench with so much skill that the besiegers have not lost more



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people than the beseiged. The artillery and the engineers have rendered infinite services. The allies were in the proportion of three to one. The enemy included the flower of the English army, which gave proof of great courage.

Three days before the capitulation a party of artillerymen, not covered by a patrol, was surprised by the English, who killed twenty men and took eighteen prisoners. M. de Chastellux repulsed the attack. Next day Cornwallis began negotiations.

The English have preserved only 300 of the 1,200 horses that they had. The 8,000 muskets taken will be very useful for the States which are in need of arms. The troops who are prisoners count about 4,000 English and 1,500 Germans.

When the latter after having piled their arms passed before the regiment of Deux Ponts, they did not restrain themselves from embracing their compatriots and felicitating them on their great success.

The English, coming to lay down their arms, were in a state of extreme drunkenness and affected insolent airs, with the exception of certain officers.

Congress, when the letters from Washington arrived, betook themselves to church to give thanks to God. The people appeared there also; the joy was universal; the city was illuminated. The people to punish the Quakers, who took no part in the festivities, broke the doors and windows of their houses.

On the next day Congress ordered a display of fireworks. Some, however, have complained that conditions not sufficiently severe were imposed on Cornwallis. This is wrong, for they have paid back to the English all the humiliations of Charlestown.

The supplies sent to M. de Rochambeau have been extremely useful. It will be necessary to continue them. He will preach to Congress the necessity of driving the English out completely before they receive reinforcements.

The English fleet is still at sea, and the Prince William is there, arrived in time to see the greatest of their disasters.

La Luzerne to Vergennes, No. 191. Mr. Robert Livingston has been elected secretary to the department of foreign affairs. It is through his hands will pass the communications to be received or to be sent out by Congress. The latter will be able to confer with La Luzerne, and he himself to ask for committees, when there will be need. Mr. Livingston will put order into the department. He will conduct the correspondence with the ministers of Congress in Europe.

He sends a letter to announce his nomination to Vergennes, and prays La Luzerne to assure him of his attachment to the alliance. His declarations are sincere.

Mr. Livingston has experience and knowledge, but is entirely a stranger to the kind of affairs with which he is charged. He knows the part that La Luzerne has had in his nomination which carried only the seven votes required.

A careful and prudent man, he will not let himself be sounded or influenced by the English. He hopes that the minister of war will be as far removed from the English as Mr. Livingston. With a well

Philadelphia,  
November 1.



4 GEORGE V., A. 1914

established administration it will be more easy to follow a systematic policy than with Congress, which is continually changing.

Mr. Livingston has taken as one of his secretaries M. Duponceau, a Frenchman who has had to abandon the military service because of his health.

On the complaints of England the Court of Berlin has disavowed the mission of M. Darang with Congress. The latter broke with him long ago. Darang obtained some passports for Prussian vessels, but no merchants are appearing.

North Carolina has sent an agent to Havana on its commercial business, but the Governor refused to recognize him, Spain not having recognized the independence of the United States. That will not facilitate the Spanish alliance.

Mr. Livingston declares that he will do his best to have Messrs. Adams, Franklin and Jay remain in charge of the peace negotiations. Mr. Jefferson has declined his nomination.

Mr. Burke, Governor of North Carolina, has been captured and taken to Charlestown.

The English fleet has not yet returned.

Philadelphia,  
November 4.

La Luzerne to Vergennes, No. 192. Despatch of a letter from Livingston and of a resolution from Congress offering two cannon to M. de Grasse. Congress therein expresses its gratitude to the King, and wishes to erect a monument at Yorkton.

The triumphal column to be erected there will set forth the gratitude due to the King, and will testify to a most important historical event; the French alliance which has assured independence, and the souvenir of the surrender of 8,000 Englishmen.

So he has wished that this monument be not abandoned to republican economy and the maladroit American art, and he has engaged Mr. Livingston to address himself to Mr. Franklin in regard to the designing and construction of the monument in France.

Twenty-six standards and flags, taken from the enemy, have been solemnly received by Congress. That day, La Luzerne had chanted a *Te Deum* with music in the Catholic chapel. There were present Congress, the Council and Assembly of Pennsylvania, the different departments, and a crowd of citizens.

The chaplain of the legation preached a sermon. In the evening his residence was illuminated and he gave a feast to the citizens.

The garrison of York and Gloucester counted 7,600 soldiers and 1,000 sailors. The besiegers were not two to one. Cornwallis throws the blame on Clinton. We have taken 75 bronze cannon, 169 of iron, and ammunition in abundance. There remained provisions for only fifteen days.

Despatch of a gazette giving particulars of all that has been taken. The prisoners are on the march towards Maryland and Virginia.

Congress has presented to Washington twenty-four of the enemy's flags.

Philadelphia,  
November 5

La Luzerne to Vergennes, No. 193. The Gazette of New York has just published a letter from Mr. Deane to Mr. Duer, which is regarded as authentic.

He sends the letter. It is that of a man furious against France and his country. It has caused much excitement. The party of the Messrs. Lee are exulting as well as those who complain of the



## SESSIONAL PAPER No. 29b

influence of France in Congress. They censure the rupture, supported by us, of all commercial relations with England. They oppose the idea of prohibiting English commerce with America by way of the neutral islands. They wish also to impede the convention relative to the establishment of consuls.

Many believe that Mr. Deane is interested in the trade with England, which makes him wish that the interdiction of that commerce be revoked.

As he is asked if English merchandise is sold in France, he would like that the laws prohibiting commerce with the enemy be sent to him.

Happily the assertions of Mr. Deane are false as to cash to be handed over to General Washington and as to the imputation of rendering us master of the American army.

But he has given a blow to credit in prophesying the ruin of those who accept the drafts of Congress, and just after they had published an intercepted letter from Mr. Morris directing Mr. Jay to let the letters of exchange drawn on him be protested. Mr. Duer has made known to Congress and to La Luzerne all Mr. Deane's letters and he proposed publishing his own defense, but La Luzerne counselled him not to push Mr. Deane to extremities, for he possesses important secrets.

Mr. Livingston will give information to Mr. Franklin of all the letters of Mr. Deane, who is suspected of deceiving him and of wishing to have a separate peace concluded and a reconciliation with England.

Speculations according to Mr. Livingston, have disturbed his affairs, and perhaps he wishes to save himself some resource on the side of the English.

Livingston believes that the publication of the letter has been done for the purpose of sounding the ground, to learn whether he could be the instrument of reconciliation. The loss of his position and of his importance drove him to it.

His project of a separate peace or a reconciliation has aroused general indignation. Mr. Franklin is condemned for having allowed Mr. Deane to speak to him against the alliance and Congress.

The newspapers of New York have published another letter from Mr. Deane addressed to Mr. Morris. It is more violent than the first and its authenticity is doubted. Others attribute it to Deane and Doctor Bancroft. He does not believe it, although their affairs are in much disorder.

Mr. Livingston believes it, and Dr. Bancroft must be watched.

The Gazette of New York publishes a third letter from Mr. Deane to Mr. Wadsworth. No one doubts its authenticity.

These three letters indicate a man very well informed on the commerce of the Americans, the English and the French, on what we have done and what we propose doing, and on the point of difficulty between Spain and Congress in regard to Louisiana.

Mr. Franklin is blamed for having trusted Mr. Deane, who has always been represented to him as dangerous. The general wish is that Mr. Deane be kept under surveillance, and his papers examined. Perhaps a request will be made to France to have him arrested.



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The gazettes of New York have published alleged letters of Mr. Deane.

Philadelphia,  
November 9.

La Luzerne to Vergennes, No. 194. Mr. Morris has tried to persuade him of the impossibility, as he was situated, of meeting current expenses without foreign subsidies. La Luzerne assured him of the impossibility, as we were situated, of continuing pecuniary assistance to Congress.

Mr. Morris has written him a letter in which he details the reasons which necessitate Congress to obtain foreign succours, the expenses are considerable and the people are not accustomed to taxes. In spending a million for the war he claims that Congress compels the English to spend four. He adds that the King's advance to the Americans will not be lost for us, that the States will be able some day to repay them and France already receives the fruits of the American trade.

Mr. Morris has written a letter to the governors, setting forth the state of the finances, and refuting the opinion that the European powers are favourable to the Americans and prepared to assist them with money. Spain has refused the alliance; the League of Neutrals has produced nothing. The United States not being able to borrow among them, could not borrow abroad. In the long run it has always been necessary to return to France, which has paid all drafts. There is nothing to be expected from outside, except from France. He adds to his letter a statement of the sums furnished by her in 1781. The war has cost 20,000,000 dollars during the year. The Court has declared that the United States must no longer count on pecuniary succours. The way to persuade it is for themselves to make every effort, and he is persuading the States to tax themselves.

La Luzerne replied to Mr. Morris by the letter enclosed. He mentioned the secret trade carried on with England. It would be well to make known to Mr. Franklin that the King is displeased at this commerce, and wishes him to warn Congress about it, for the Americans carry on the trade which pays best, even though it also enriches the enemy.

Mr. Livingston likewise has pleaded the cause of the subsidy, saying that one cannot ask from the Americans more than is prudent, but La Luzerne has refused to transmit these demands for subsidies.

No urgent need exists. Of the two millions and a half brought by Mr. Laurens, only a quarter has been expended. Congress has just fixed at eight million dollars the taxes for next year's services. It is hoped thus to have twenty-five thousand men on foot. The division of the taxes among the States has been made quite easily in Congress. Georgia has asked to contribute its share.

Without the necessity of a subsidy being accepted, it will be useful and just to have sent to Congress by instalments the rest of the twenty millions promised. This money produces a real gain, and Congress, with a loan of a million, does what England can do only with three or four millions. But he sees no danger in the cessation of subsidies.

The loss of Cornwallis's army is the most disastrous blow that England has experienced. It gives freedom to three States and destroys the results of two English campaigns. The resources, army and finances, of the Americans are increasing, those of the English



## SESSIONAL PAPER No. 29b

diminishing. If in the face of the success of the allies the English are not inclined to peace it is because they are in a position to make some extraordinary efforts against America. Then it will be necessary to assist the Americans either in money or in fleets and troops.

As subsidies are quickly forgotten and little known, and the services of troops more glorious and better known, would it be better to send a fleet and an army? So our assistance would not be put in doubt. Moreover the taking of Charlestown and of New York are beyond the power of the actual American forces.

General Washington asked M. de Grasse to assist in the attack on Wilmington, which has a garrison of 600 men, but the Admiral has not judged this expedition of sufficient importance to delay him.

He has moreover refused in spite of an opportunity so favourable, to assist the reduction of Charlestown, because he has engagements elsewhere with the Spaniards.

La Luzerne requests orders relative to the surplus of the twenty millions which is to be sent this year to Congress and in the form in which Mr. Morris can use it.

He believes also that it would be useful to have him entrusted with announcing to Congress the new succours that the King may judge well to send, in order that refusals may not appear always to come from him, for he has the reputation already of being unfavourable to requests.

In the course of the next year, it may be that the forty-two million *livres* to be raised will be received only slowly or incompletely, because of a bad harvest or a hostile incursion. Then he will have to join the others in asking assistance. He sends a schedule of the division of the eight millions of taxes among the States.

La Luzerne to Vergennes. No. 196. Thanks to the vote of a deputy who was carried to the House while very sick, Mr. Muhlenberg has been elected Speaker of Pennsylvania. The almost equal division of votes will injure the progress of business, but the party of the patri- cians, more clear sighted but perhaps less patriotic, wishes to have certain illegal elections re-taken. Lively commotions may result. In the election of the President of Pennsylvania the Council has ranged itself with the plebeians and Mr. Moore has been elected. Probably Mr. Bayard could have been chosen if his election as Councillor had not been contested.

The dissensions in the assembly cause fear that Pennsylvania cannot develop her resources.

The delegates from Maryland have offered him all the assistance possible for the admitting our troops and our fleets into the whole extent of their territories and their ports, in order to prove that they do not put faith in the rumour of a project that is ascribed to us of making ourselves masters of some of the Thirteen States. He has thanked them for this mark of confidence.

The Americans regard as a favour the sojourn of our troops on their territory in view of the excellence of the discipline and the promptitude in payments. Wherever they are provisions flow, even the women and children coming into the camp to make sales.

This is a contrast with the English troops, whose lack of pay deprives their chiefs of means of repressing license.

Nothing positive was known of the movements of Mr. Clinton. It is said that the fleet has returned to New York and that Admiral

Philadelphia,  
November 23.



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Graves has sailed with nine ships for Jamaica, and Admiral Hood and the fleet have left Sandy Hook.

The English coming from Canada to the number of 700, by way of Lake Ontario, have descended the Mohawk River. Colonel Villet has cut them in pieces. It is hoped to capture almost all of them.

M. de Grasse left the Chesapeake on the 5<sup>th</sup> of November with the fleet, excepting four vessels left for M. de Rochambeau. This general has taken up his quarters in Virginia. A part of the American troops go to the south to reinforce General Greene. The rest return to the North River, where Washington is going to resume the command of the army.

November 24.

La Luzerne to Vergennes. Opinions on the means of assisting the Americans effectively.

He takes advantage of a safe opportunity to discuss a very important object.

Since his arrival in America he has always believed that the sending of money was not the most efficacious means of supporting our allies.

Naval superiority and an augmentation of the troops seemed to him benefits more useful and inspiring more gratitude. Even the successes of the English have not changed his way of thinking. He has always opposed the ruinous abuse of letters of exchange and has never given Congress hope of subsidies.

The success of the mission of Colonel Laurens has caused suspicions that La Luzerne was opposed to all sending of money, and that they would get it by addressing themselves directly to France.

The superintendent himself has declared that the Americans ought to rely only on their own efforts, France having refused all pecuniary assistance for 1782. But French officers have received hopes of a subsidy, and new requests will be made by Mr. Franklin and M. de la Fayette.

It is possible that their reasons preponderate over his arguments; and that the French forces could be better employed elsewhere than against New York and Charlestown. If this resolution is taken let it not be as the result of solicitations from Congressional agents, but let him communicate the measures to Congress, as if they resulted from his correspondence with Vergennes.

The arrangement proposed is so much more easy that Mr. Morris has raised business, and that the States can dispense with money for next year, but we must fulfil exactly what we promised Colonel Laurens.

Philadelphia,  
November 24.

La Luzerne to Vergennes. No. 197. General Greene, commanding the army in South Carolina continues to press the enemy, who risk less than hitherto. They will await reinforcements from England. The Americans can attack neither New York nor Charlestown. The winter will pass in observations.

The people are persuaded that the capture of Cornwallis will bring peace.

When the news arrived at Boston, the merchants drew up a petition asking that the fisheries be re-established on the same footing as in the past, being the basis of the commerce of the New England States. The General Court of Massachusetts having considered this petition, adopted a resolution asking Congress to insist at the time of the peace on the re-establishment and free exercise of the fisheries.



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But Congress has not yet taken this resolution into consideration. La Luzerne has made them see the danger of encouraging themselves with the hope of an early peace. He has not stamped out the rumour of an alliance between England and Russia. It is convenient now for no longer hiding from the Americans the dangers that might threaten them, if the situation became critical in Europe.

Mr. John Temple, suspected in 1778 of being an emissary of England at Philadelphia, has returned to Boston, after a sojourn of four years in London. He has presented a justificative memoir. He appears to be innocent and will be permitted to reside in America, inasmuch as he has close relations with the opposition in England.

He has put the patriots on guard against this probable emissary, come to sound the dispositions of the people towards an accommodation in which we would not participate. He will watch him. Congress, which has no good opinion of him, has not replied to his letter.

Mr. Temple was bearer of a recommendation from Mr. John Adams, which is extraordinary.

Philadelphia, /  
November 25.

La Luzerne to Vergennes. No. 198. He has communicated to Mr. Livingston the instructions received and has discussed at length the question of finances.

Having announced twenty millions to Congress he found himself embarrassed by the news that the supplies given to Virginia and Maryland would be taken from the loan opened in Holland.

This news threw the delegates into alarm. They asked La Luzerne if it was possible that the King resolved to make at his own will and without the participation of Congress the application of the subsidies which he got loaned to them. By what right could there be granted to Virginia and to Maryland an extraordinary part of the money promised to the Thirteen States? La Luzerne replied in effect that the King, seeing their distress, had believed that he ought to send supplies to those two States, using the funds in question, but that he left to Congress the liberty of taking those goods as on its account. This explanation, which calmed their minds, will be, he hopes, approved. The arrangement for the supplies has displeased everybody, even Virginia and Maryland.

He sends Mr. Morris's letter on this subject and his reply. He has moreover had a verbal explanation with him and Mr. Morris is determined not to enter on his accounts the expenditure which might be made for Virginia and Maryland, unless on an express resolution of Congress. He has asked for the suspension of the purchase of further goods, and for the King to take on his own account those already purchased. After proof of the impracticability of those suggestions, he has asked that the rest of the twenty millions, as all loans or subsidies, remain at his disposition, and that no purchases be made, nor supplies sent in kind. The way to sustain the rate of exchange, without great loss, says he, is that our army no longer negotiate drafts, and so the money which he will procure for Congress by the negotiation of his letters of exchange will cost less than if it were sent in kind.

He is of opinion that Mr. Morris should be left free to draw for the surplus of the funds granted.

The cessation of the sending of money in specie to the French army will bring back the drafts and the depreciation.



4 GEORGE V., A. 1914

It is time to put in order all accounts with the Americans, unless we give them gratuitously all that they have received. This idea ought to be changed, whilst they have need of us.

Mr. Livingston and Mr. Morris declare that it is impossible to have an army next campaign, unless with a considerable subsidy, for the eight millions of imports will not produce five, but he has replied that the States must not count on any extraordinary assistance.

On the subject of the American ministers in France, Mr. Franklin having written to Mr Adams that it is Congress which henceforth will support their expenses, Mr. Livingston has asked him to solicit the assistance of France to enable the American ministers to make a decent showing.

Congress proposes to reduce the salary of the secretaries of legation, but to maintain that of the ministers.

M. de la Fayette, bearer of despatches, leaves immediately for France. He is authorised to arrange with the American ministers as to the requests to be made to the King. He is charged with looking after the interests of the United States, and the different departments have received orders to communicate their needs to him.

Congress will entrust M. de la Fayette with a letter expressing its gratitude to the King for the succours sent, and will mention the services of this officer.

La Luzerne believes that after a truce of eight to ten years the population and the wealth of the Americans will have received great accessions, but that the public revenue will not have increased, because of the jealousy of the legislature and the debts to be paid.

The army will be disbanded if the truce is of long duration. At its expiration, an army will be reorganized, but public spirit will be much diminished.

It will be quite easy to succeed in having a truce accepted by the Americans. If England found a way of recovering herself with some advantage in war, one must count little on the conduct of the United States.

La Luzerne to Vergennes. No. 199. The comptroller wrote him that he cannot consider purchases made for any particular State as to be placed to the account of Congress. He also insists strongly on the necessity of a heavy subsidy for the year 1782.

General Washington is here for a part of the winter. It is to be feared that he will be induced to support these requests.

The Gazette of New York continues to publish letters, authentic or false, of Mr. Deane. They contain a mass of secret circumstances; however he believes to have discovered in them interpolations of the enemy. The citizens here blame Mr. Deane strongly.

Mr. Livingston sees with pain the publication of the secret and separate article of the alliance, as also that of the instructions given to Mr. Jay in regard to the Mississippi. He does not conceive how Mr. Deane has had knowledge of this.

Mr. Wilson, a former correspondent of Mr. Deane, declares these letters authentic. Mr. Deane is seeking to render us odious to the Americans, declaring that we do not keep our engagements and that our resources are exhausted. He adds that it is necessary to consider a reconciliation with England, for there is no appearance of obtain-

Philadelphia,  
December 3.



## SESSIONAL PAPER No. 29b

ing independence, which would be disadvantageous. His letter to Mr. Benjamin Harrington contains the same reasonings.

Congress is not satisfied with its commercial agents in Holland. Mr. Livingston has been authorised to conduct these operations by himself.

It is believed that the *Indian*, commanded by Mr. Gillon, has been lost on the coasts of Holland.

Cornwallis is at New York. He has compelled Clinton to print a letter that he wrote him after the capitulation, throwing all the blame on the latter.

Philadelphia,  
December 6.

La Luzerne to Vergennes. No. 200. Mr. Morris has received from Mr. Franklin the letters written to him by Vergennes, and he infers therefrom, in spite of the declarations of La Luzerne, that he has ten millions in France at his disposal. Finally La Luzerne wrote him a letter combatting this opinion.

Mr. Samuel Adams is actively employed in urging the States of the East to demand from Congress the right of fishing, but General Sullivan has prevented New Hampshire from joining therein.

Vermont has refused the offer of admission to Congress because of the condition of re-annexing to the other States the counties dismembered for aggrandising herself. The worst is that she continues to be aggrandised. The delegates from New York speak of reducing it by force of arms. Congress will be obliged either to wage civil war or to see its authority disdained, with an open door to the English on this side.

In the report of Cornwallis to Clinton the former praises the generosity of the French to the English at the time of the capitulation. This testimony is an honour for the nation. Americans likewise find that the French treat the English too well. To which he replied that they were our enemies, but had not tyrannized over us.

The French and American troops have separated, which is better during winter quarters. The reunion during the campaign is without inconvenience, for the discipline and occupation give place only to emulation.

Philadelphia,  
December 14.

La Luzerne to Vergennes. No. 201. The gazettes of New York continue to publish new letters from Mr. Deane. They seem to be indeed from him. If he has sold himself to the English, it is nevertheless an expedient that they have taken too late. These letters have not produced the sensation expected. The facts have contradicted them. Yet the people read them eagerly. Some delegates have suggested to him to publish a refutation. Mr. Payne, to whom he has been authorised to pay a stipend, will be able perhaps to help by showing the advantages of the alliance, which will be an indirect refutation.

The armies have taken up their winter quarters. All is tranquil everywhere. The legislature of South Carolina has been convoked for the first time in two years. All the thirteen States are exercising their sovereignty.

General Lesley, commanding at Charlestown, has recalled thither the posts from North Carolina, which is thus evacuated. He has thrown lines of fortifications and redoubts around the place.

The Pennsylvania Assembly continues to quarrel on the subject of the last elections.



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In Virginia the Governor, Mr. Nelson, a capable and energetic man, took decisive measures to raise troops, but the general outcry has compelled him to resign. Mr. Harrison has succeeded him. The ex-governor is accused of having made sales for the army to his own profit. The brother of Mr. Arthur Lee had only a quarter of the votes for Governor. Arthur Lee, who has been reproached with being under suspicion in France, has been defeated in the election for delegate to Congress. Mr. Jefferson has been elected.

Versailles,  
December 24.

Vergennes to La Luzerne. No. 25. He has received the despatches up to No. 188.

Our success in Virginia and the capture of Cornwallis must have given confidence to the Americans. The States must have appreciated the generous relinquishment which the French generals made to the Americans of the troops and supplies taken at Yorktown.

The taking of Cornwallis ought to give new energy to the Americans, if they wish to assure their independence on solid foundations. It is represented that their entire army does not exceed 4,000 men. Now England is going to make great efforts to repair the loss of Cornwallis.

This victory ought to encourage them to redouble their efforts to bring about peace. Otherwise England will repair her losses. It would be necessary to take Charlestown and New York. The King will assist as much as possible and with this aim will make a new loan of six millions at the rate of 500,000 livres per month. He can announce this to Mr. Morris, adding that we will not exceed this sum. And the American agents ought no longer either to draw or to accept drafts. Nothing will be paid to Mr. Franklin except at the orders of Mr. Morris.

The apparent contradiction between the statement of finances sent in July and that carried by Mr. Laurens is explained by the fact that different advances were made after his departure.

The drafts from Mr. Morris on Mr. Le Coulteux amounting to 1200 thousand livres will be acquitted and reimbursed from the Holland loan. The rest of the loan will be at the disposal of Mr. Morris.

La Luzerne will ask Mr. Morris to send Mr. Franklin full powers to pass with us the bonds for the sums which we have promised to the United States.

There is no proof that England wishes to have peace advantageous to the Americans. He sends him pieces relative to mediation. The last reply from London is that she is free to do with her colonies as she may judge proper, but the King will remain faithful to the alliance.

He would have wished that La Luzerne had abstained from offering ministerially the intervention of the King for affecting a coalition between the United States and Holland, for it was an offer for their advantage. It will be proper not to continue these offers, which are become useless, because the Dutch appear not to wish to make any advances to the United States whilst the war lasts.

He is not surprised at the letters of Mr. Deane. He has expressed the same sentiments in France. His position, alleged wrongs, and want of confidence here, are the causes which dictated his conduct. He pities Mr. Deane at having misjudged France and at having



## SESSIONAL PAPER No. 29b

lacked gratitude. It will be proper only to watch him. It will be easy to unmask him, if there is need. The King made him an advance of 12,000 livres, not repaid, when he was in distress.

La Luzerne has done well to rebuke Colonel Laurens for his imprudences. If he is ignorant of the usages of courts, he ought not to be ignorant of good manners. We have forgotten his misdemeanours, knowing his zeal for his country.

He has communicated to M. de Castries the despatches relative to the convention project concerning the consuls. For greater expedition, it would be well that Congress gave Mr. Franklin power to terminate this negotiation.

He approves the nomination of M. de Marbois, his chief secretary, as interim consul replacing Mr. Holker.

He is glad to see that the trouble with Vermont is going to be settled to the general satisfaction. If this State is admitted to the confederation he is to announce that the King will recognise it and will guarantee its boundaries such as recognised at the end of the war.

This reply obliges Vermont to arrange their claims with England.

P.S. After the last reverse, the English will perhaps seek to dispose Congress to a separate peace, which seems the best policy to be followed by England in her exhausted condition. This proposal may be tempting for the States, tired of war, but it is contrary to their engagements. Defection would be treason. Their ultimate interests much more than their gratitude, on which we do not count, are opposed to it. If he should perceive that a sentiment towards defection existed in Congress, he ought to warn the Court of it even by sending special despatch vessels. Let him act so that we may not be taken as dupes.

Philadelphia,  
December 24.

LaLuzerne to Vergennes. No. 202. After five weeks of debates devoted to the investigation of the contested elections, the Assembly of Pennsylvania has referred the matter to the next session.

The subject of trade with the neutral islands and with England is being discussed. The merchants of Philadelphia have presented a petition in favour of the importation of English merchandise, saying that this importation has never stopped.

Long debates took place which have amounted to nothing. Through lack of powers and facilities Congress is limited to declaring the seizure of English goods found on the sea, but it does not hope to get its recommendations adopted by the States as to laws for the seizure of the same goods found inland.

The American vessels as well as those of the neutral powers will be subject to searches and seizures.

In order to avoid possible abuses, Congress wishes that we give certificates to the vessels which will load in our ports with English merchandise coming from prizes. Nantes, l'Orient and Bordeaux are the cities especially to be watched.

The Americans show such a preference for English goods, and the trade of this continent is becoming so important that we ought to do everything to check the contraband, whatever be the form of our surveillance.

Philadelphia,  
December 27.

La Luzerne to Vergennes. No. 203. The year now ending was so important that he will make a *précis* of the principal events, accompanied by observations.



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At the beginning the Revolution was sustained by a patriotism and an enthusiasm that supplied the lack of means. The governmental administration was defective; money had for basis only public confidence; the expectation of a short war kept the army on foot, and the mistakes of the English prevented possible disasters.

Towards the end of 1778, and above all in 1779, the exhaustion of the body politic, destitute of patriotic force, manifested itself. Hatred of England remained the same, and the people were persuaded that there was no danger. The war left indifferent those who were not suffering from it. The depreciation of currency struck sensible blows to patriotism; indignation was felt at the rapid fortunes of individuals entrusted with the administration of financial affairs and with the subsistence of the army. There was a rush to speculate on the depreciation of the currency, advantage being taken of the mistakes of legislation.

The result was a decrease in the army through lack of recruits; the Northern States, not being threatened, were not acting; those of the South were inhabited to nearly two-thirds by negro slaves. The proposal was considered to set them free and arm them, but the danger of such a measure caused it to be rejected. The English themselves did not dare have recourse to it. The Carolinas, little accustomed to war, were successfully invaded by the enemy. Charlestown fell. The English transported the principal inhabitants to Florida, in order the better to reduce the rest.

They established seventeen forts in Carolina and Georgia and those States appeared conquered. The dwellings of the rebel Carolinians were burned and pillaged; a certain number were killed at Camden. Finally Carolina and Georgia were no longer held in the Confederation except by their delegates.

Such was the year 1780, in which the English were victorious almost everywhere except in Jersey where the Americans defeated a considerable body of troops.

The year 1781 did not open well; the troops of Pennsylvania, ill fed, ill clothed, and worse paid, mutinied, but displayed a great horror of English domination. Congress calmed the sedition, but the army lost 1,200 men. A similar fermentation among the troops of Jersey was dissipated by Washington.

Virginia was invaded by Arnold and General Phillips, who were joined by a number of negroes. But Virginia, the most populous of the States, has never furnished the army anything but the most feeble contingent. The real forces of Virginia are in the back settlements, but those inhabitants not being threatened did not think of taking up arms.

In North Carolina the situation was worse: Major Craig, who was joined by the Scottish inhabitants of the mountains to the west, ruled the principal part of the country with five hundred soldiers. The government of the State was without any vigour. Lastly, recruits were constantly arriving from Europe for the English army.

One could not hope for improvement with the old system of administration, but it was extremely difficult to change those forms, considered by many as the safe guards of liberty.



## SESSIONAL PAPER No. 29b

The accession of Maryland to the confederation, due to the King's influence allowed Congress to adopt a better form of administration.

Hitherto Congress had united the legislative and executive powers, and sometimes even the judicial. Attempts had often been made to remedy these inconveniences, but, fearful of losing their importance, or of alarming the people, many objected.

Congress succeeded first in the cession of the judicial power, and a tribunal was erected for appeal cases of which the cognizance was reserved to Congress.

The public disasters next forced the renunciation of the executive power, and the accession of Maryland furnished an opportunity. By this accession, the Confederation and Congress became institutions, no longer provisional, but permanent, with all the rights of sovereignty.

Some wished that Congress invest certain of its members with the executive power, in place of delegating it to permanent ministers, but they did not succeed. Mr. Morris, a very rich merchant, was put at the head of finances with the title of Superintendent. His nomination has produced incalculable advantages, replacing disorder by order, economy and vigour. And public confidence revived.

The department of marine, of slight importance has been provisionally attached to that of Mr. Morris. By the constitution of American governments, Mr. Morris cannot raise taxes beyond what the good will of the people determines. Even then it is often difficult to collect them. It is necessary to get the people accustomed to it, and to create custom-houses and offices of taxation. We can count on the good administration of Mr. Morris, but the revenues will not be larger than in the past; so they will be extremely limited.

The department of foreign affairs has been entrusted to Mr. Livingston. General Lincoln has received that of war, but with more limited powers, so as to leave to Washington the principal influence.

This distribution of labour facilitates business enormously. Previously committees were charged with these matters. The three ministers are always dependent on Congress, but with a sufficient amount of authority.

In the South General Greene succeeded General Gates. Before his arrival the Americans obtained two successes, King's Mountain and Cowpens. It was then that Cornwallis advanced as far as the frontiers of Virginia. Greene, profiting by their fatigue, attacked them at Guilford. He lost the battle, but it cost Cornwallis so dearly that he returned to Wilmington, abandoning his wounded and his baggage. After a slight check at Camden by Rawdon, there was a succession of victories. Thirteen forts were taken with their garrisons. There remained to the English in the South only Charlestown, Savannah, and Wilmington, to-day abandoned. In two months Greene reconquered two States which the English had taken a year to reduce.

Greene found few resources among the patriots of the States which he had reconquered. Recruiting was slow, owing to the lack of money and ammunition. The entire Army of the South never exceeded 3,000 men; about 1200 Virginians have since joined it. The existence and the successes of this badly organised army are due only to the ability of the general. It is not then to the energy of the inhabi-



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tants of the South that these successes are to be referred. It is the mistake of the enemy who wished to undertake a distant and definite expedition in order to announce himself to Congress, disposed to peace, as possessor of the States invaded.

The project of England was to occupy all the ports commanding American commerce and to form in the Chesapeake an establishment as considerable as that of New York. But the good conduct of M. de la Fayette, the excellent combination of the fleet and the army, fortunate circumstances and the mistakes of the enemy have removed this danger.

The loss of the English during the year 1781 can be estimated at 14,000 men. Their forces are reduced by half and those of the Americans are sufficient to hold them in New York and Charlestown, and perhaps to compel them to evacuate Savannah, but they could not obtain possession of the first two places without the assistance of a fleet and of new French troops. The way to succeed would be to undertake this expedition as early as the month of June.

If the English were in condition to send fresh troops to the United States, in sufficient number, they would not find the Americans prepared for a vigorous defense.

The defection of the Americans is not to be feared: their hatred for England increases, and they are attached to their institutions.

The present position of M. de Rochambeau in Virginia assures them of the possession of the Chesapeake and covers Virginia. He occupies a position midway between New York and Charlestown and can quickly join Washington or Greene.

The Eastern States can by their own forces resist the enemy, thanks to their population being accustomed to war.

Moreover the position of M. de Rochambeau revives the trade with France in the Chesapeake, but the flour exported by Pennsylvania is useful to us only in time of war. Our islands have received a large amount of it.

On the other hand, the Pennsylvanians have furnished provisions to the English islands. St. Eustache was at first their port of entry. The capture of that island put an end to it. To prevent the Danish islands from taking its place, Congress, at his suggestion, recommended to the States to prevent the importation of English merchandise, but this recommendation was not sufficient. Pennsylvania alone passed a law on the subject. Several States transported flour to the neutral islands, from which they brought back English goods. Pennsylvania merchants also wished to engage in the contraband trade, but their goods were seized. A party was formed there: the preference for English goods and a good profit overcame hatred of England. They requested by petition freedom for this trade with the English colonies. On the contrary Congress, on the 4<sup>th</sup> of October, passed an ordinance for strictly restraining this commerce, but its powers are not sufficient to suppress it. The only way would be to obtain from the States internal laws for the seizure on land of English merchandise.

The American trade deserves particular attention on our part. We must outstrip the other nations and exclude the English before the peace. In regard to commerce, we must not wait for any gratitude. The Americans will trade where the best business calls them. It is for us to get possession of their patronage.



## SESSIONAL PAPER No. 29b

It would be well for a year or two to decrease in France the export duties in order to facilitate the introduction of our merchandise.

The general gratitude of the Americans towards the King and France leaves nothing to be desired. The assemblies, the cities, the clergymen declare it publicly.

However, the party attached to Great Britain continues to be numerous. They give facilities to English prisoners for making their escape, they send information; they assist in capturing couriers. They are tolerated, as the law is insufficient to prove their treasons. But public opinion has them marked out. Moreover, they do not hide their sentiments, emboldened by impunity, and the certainty of being the favourites of England, if she re-establishes her power.

But the mass of the Americans, above all since the taking of York, is convinced of the contrary. Yet these successes in place of arousing the Americans plunge them into a kind of discouragement. Our successes are boasted of in order to let the efforts they were disposed to make be slackened. Congress takes vigorous resolutions, but they are going to expire in the different legislatures. So in Virginia they vote a levy of six thousand men, but it all reduces to three or four hundred poorly equipped.

A regular subsidy, paid from year to year, during the war, would put Congress in a position to keep on foot a permanent army proportionate to the subsidy. But it would be preferable that this subsidy be granted by Spain, and that France were to lend fleets and troops.

All the States had adopted constitutions with the exception of New Hampshire. One has just been proposed to the people: it excludes Catholics from the government, but is very democratic. These constitutions are another barrier to the return of English domination.

La Luzerne to Vergennes. No. 204. The Vermont trouble becomes more and more embarrassing. They have seized lands of New Hampshire and have thrown into the dungeon the sheriff of that State, come to exercise his jurisdiction. If the English assist them, it will be difficult to reduce them.

This shows the lack of union, and the fragility of these governments, and the impotence of the confederation. Massachusetts, Rhode Island and Connecticut are more united and authority there is more respected.

The boundaries which touch on Nova Scotia, being poorly defined, will occasion difficulties at the peace.

New York and Vermont are also in dispute on the subject of boundaries. But those of New Jersey, Delaware and Maryland are well defined, as well as those of Pennsylvania. This state is torn by factions, who plunge the Government into inerait. The patricians, the plebeians, the constitutionals, the Anti Constitutionals, the merchants, the farmers wage an excited warfare. There is also the struggle between the people of the west and those of the east. These last, in control of the commerce, seek to impose the taxes on the land owners. There is the same division in regard to the levies of troops. Those of the east wish them to join the continental army, those of the west demand the protection of their frontiers against the Indians. They have succeeded and the Pennsylvania contingent to the con-

Philadelphia,  
December 30.



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tinental army will not exceed 2,400 men, although the population of the State is 300,000 souls. Washington can do nothing in regard to it.

In the course of the debate, certain deputies have threatened, in case of being abandoned, to form a separate state, whose boundaries they have indicated. The excitement is so great in Pennsylvania that one ought not to judge of the future state of the Confederation by its present situation.

The agitation is still greater in Virginia, which remains without energy. Congress requests of it, as its share for the next campaign, \$1,400,000, too large a sum. The only money there is that of the French troops. They are going to adopt the expedient of imposing the taxes on tobacco or on flour. No State has so much abused the paper money. The continental dollar is there worth 2000 for one, and a chicken costs a thousand Virginian dollars. A body of troops there has refused to march through lack of clothes and pay.

Emigration towards the Ohio and the Mississippi is very considerable and weakens Virginia.

The situation in North Carolina is not bright. The Governor asked him for arms in exchange for produce, in order to be able to make some efforts. Otherwise they will be obliged to flee.

Since then the Governor has been taken by a party of malcontents and conducted to Charlestown. It would, nevertheless, be well to send them arms, although they are to be had here. There are sufficient clothes for the troops.

It is difficult to judge of the dispositions of Carolina and Georgia in regard to boundaries. Very often the delegations represent special interests. The delegates of a State will declare themselves unopposed to the restitution of confiscated property, if necessary for peace; their successors, who have acquired such property, will maintain the opposite opinion.

Mr. Livingston believes that, on this article, it will be necessary to yield only at the last extremity, and that, if they yield, it will be impossible of execution. The money from the sales is dissipated, and 80 millions *livres tournois* would not, perhaps, buy back those properties. They have passed into many hands. He believes that if a stipulation is obtained on this point from England, her partisans will not draw great profit from it.



## APPENDIX I.

## COMPLETION OF THE CORRESPONDENCE AND JOURNALS OF THE RIGHT REVEREND CHARLES AND JOHN INGLIS, FIRST AND THIRD BISHOPS OF NOVA SCOTIA.

"NOVA SCOTIA AND NEW BRUNSWICK, 1788."

- July 16. 1788. Went from Halifax to Mr. Faulkner's, 16 miles. Road from Sackville to Faulkner's, very indifferent country, thinly settled and little cultivated.
- July 17. Proceeded to the Widow Montgomery's, 6 miles, baptized a child of a Mr. Robinson; to Commissary Johnson; and to Windsor.
- July 18. Crossed to Falmouth, "a prodigious fine country." "Saw my Aunt Morrison, aged 82 years," at John Walker's.
- July 19. With Messrs. Hammill, Deschamps, Head, Emerson and Tonge rode over the farms adjoining Windsor. "An amazing quantity of hay, chiefly red-clover;" yield 3 tons and upwards per acre.
- July 20. Sunday. Preached. Church small and crowded.
- July 21. Left questions *re* church and academy, to be answered on return. Would give confirmation then. List of questions is given.
- July 21. Proceeded to Capt. Moore's, in Horton, 17 miles. Road over Horton Mountain (8 miles) very bad. "We heard a bear growl in one of the thickets." Horton a fine settlement. "The Grand Preire is a vast meadow belonging to it, which contains 2,700 acres, mostly dyked."
- July 22. Proceeded to Col. Burbige's, at Cornwallis, 7 miles. Ford on Cornwallis river dangerous. Church small and unfinished. The settlement populous, but few Church people. Sects numerous, and carried away by enthusiasts. A regular and popular clergyman would probably bring many to the Church of England.
- July 23. Left Col. Burbige a copy of questions *re* Academy, and some *re* Church. Proceeded to Mr. Walker's. Road very bad.
- July 24. Baptized his nephew's daughter.
- July 25. Set out for Annapolis. Called on Gen. Ruggles and Major Barclay. Spent night at Capt. St. Croix, 16 miles. In Granville a house is shared by Church members and Dissenters: recommended obtaining the entire house by purchase or selling the half and building a church.
- July 26. Proceeded to Annapolis, 16 miles, calling on Messrs. James, Howe and Morrison. Here, as at Windsor and Cornwallis, things not prepared for confirmation. Church of moderate size, just being finished.
- July 27. Sunday. Preached. Mr. Bailey a meek, inoffensive man. Few dissenters; the inhabitants the most decent and regular he has yet seen; they sing well. Mr. Barclay embarrassed by a lawsuit about the glebe, therefore did not speak as harshly as had intended *re* his not attending the visitation.



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1788.  
July 28. Visited Mrs. De Lancey, 7 miles from Annapolis, whose mother, Mrs. Barclay, a friend of his, had lately died. Her husband lately appointed Chief Justice to the Bahama Islands.
- July 29. Went to Digby by sloop. Well received by the inhabitants, Loyalists, many of whom were formerly members of his congregation. They are poor, and will remain so unless they disperse and settle on farms. Reproved them for their late dissensions.
- July 31 (sic.). Received an affectionate address from the Rector, Churchwardens, and Vestry. Laid corner stone of new church, Trinity Church. Embarked for St. John.
- July 31. Reached St. John at 10 o'clock in the evening.
- August 1. City of St. John contains upwards of 1,000 houses: scarcely five years since it was a forest. Recommended Dr. Byles, who had come from Halifax by sea, to the Churchwardens and Vestry for their clergyman. Determined to administer confirmation when returning.
- August 2. Visited old acquaintances. The congregation made up of Loyalists, many of them his former parishioners.
- August 3.  
Sunday. Preached. Vestry agreed to request Dr. Byles to be their missionary. Carpenters are at work on a new church.
- August 4. Engaged a boat and two men, at a dollar and a half per day, to go to Fredericton. Waited till next day, that Miss Van Horne, sister of Mrs. Carleton, who had just arrived from New York, might accompany him. Description of the Falls.
- August 5. Description of journey up the river. Dined at Flaglar's, 20 miles from St. John; reached Pugsley's (computed at 37 miles) at night.
- August 6. Proceeded to Underhills, 15 miles from Fredericton, stopping at William's (40 miles from St. John), and near Loosely's tavern. Wrote to Mr. Clarke, missionary at Gagetown.
- August 7. Breakfasted with Mr. Beardsley, 7 miles from Fredericton. Description of country. Maugerville thickly settled, partly by Loyalists, partly by people from New England, inclined to enthusiasm and deemed disaffected to Government. Description of Fredericton. General Carleton, the Governor, "is extremely beloved by the inhabitants." A new church building: 72 feet by 52. Cols. Robinson and Winslow called. Received courteously by the Governor and Mrs. Carleton, whom he formerly knew.
- August 8. Visited Mrs. Robinson, daughter of Mrs. Barclay. The Governor, Chief Justice Ludlow, Mr. Cook the missionary, and others, called. Visited Mr. Odell.
- August 9. Called on Governor Carleton. Related the intended settlement of Dr. Byles at St. John. Discussed the method of placing clergymen in livings. No legal claim to presentation was yet fixed. The Government shall aim at diffusing the principles of the Church of England "because they were friendly to the Constitution and would incline the people to loyalty." Suggested that the churchwardens and vestry—always communicants—should choose the clergyman, the Bishop institute him, and the Governor issue the mandate for his induction: thus there would be a twofold check on an improper choice. Visited Mr. Cook's house and Col. Robinson's intended residence—across the river,—and Col. Winslow and Chief Justice Ludlow, up the river.
- August 10.  
Sunday. Preached in a kind of storehouse. Must hereafter have divine service twice on Sundays, and, when the church is built, on Wednesdays, Fridays, and Holidays.



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1788.  
August 11. Visited Col. Robinson's place and dined with Mr. Cook.
- August 12. Visited Col. Allen's, 7 miles up the river. Nearby are the ruins of a French chapel for the Indians, where they offer devotions frequently, and bury their dead.
- August 13. Confirmed 55 persons in the new church. Baptized a child of Col. Winslow. "Dined at the Governor's, where I met Lord Edward Fitzgerald, an agreeable, genteel young man."
- August 14. No idle or discontented people at Fredericton. Set out for St. John carrying a letter written by Mr. Odell at the Governor's order desiring the churchwardens and vestry to recommend a clergyman, who, if approved by the Governor, would be presented to the Bishop for institution. This the mode finally adopted. At Mr. Beardesly's in Maugerville met the Rev. Mr. Clarke of Gagetown, who declined attending the visitation at St. John because of indisposition. Much disgusted at his inattention. Proceeded to Mrs. Pugsley's, where had prayers, which a French family attended.
- August 15. Proceeded to St. John.
- August 16. Dr. Byles had returned to Halifax, an opportunity having offered.
- August 17. Preached and administered the sacrament to 46 communicants. Hired a boat for Mr. Clarke to attend the visitation, and sent him a regular citation.
- August 18. Various duties performed.
- August 19. Glebes much neglected. Dined with Judge Bertram.
- August 20. Visitation held. Confirmed 95 persons.
- August 21. Represented to Mr. Clarke, who arrived, the impropriety of not attending the visitation. Dined with Gen. Bruce.
- August 22. Wrote to Mr. Odell *re* institution of Dr. Byles. Wrote also concerning glebes. In some townships no glebes; in others they were granted in trust to the magistrates, and may be lost. Urged particularly the reservation of a sufficient glebe in all uninhabited parishes. Wrote on the same subject to Chief Justice Ludlow: mentioned the necessity of supporting religion by making adequate provision for well qualified clergymen. Mr. Andrews, a paralytic, arrived, wishes his son ordained and appointed his assistant. Directed the son to catechise, read prayers, and a sermon, till the society's pleasure be known. Condition of the church building at St. Andrews. Mr. Andrews' mission is 70 miles by 40, containing 7 parishes and 700 families, accessible only by water.
- August 23. Indisposed.
- August 24. Preached.
- Sunday. Sailed to Digby. Offer from Admiral Digby to subscribe £100 and obtained £50 from friends for Digby church, if built of brick or stone, Recommended brick.
- August 25.
- August 26. Went to Sissiboo with Messrs. Viets, Millidge and Bonnell. Part of road "the worst I ever travelled," stopping during rain storm at Mr. Reed's, 5 miles from Sissiboo. Capt. Moody a public benefactor to the settlement: he and 38 Loyalist families live on the north side of Sissiboo river. On the south side, where stands the village of Edinburgh—4 or 5 farm houses—are about 17 families. Near Edinburgh are several French families and a priest.
- August 27. The *Loyalist*, a ship of 250 tons, built by Capt. Moody, newly launched. Another vessel on the stocks.
- August 28. Returned to Digby.



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1788.  
August 29.

Confirmed 51 persons. The good work of the school teacher, Mr. Foreman.

August 31.  
[Sic.]

Received address from magistrates. Proceeded to Annapolis in a schooner belonging to Mr. Brudence. The letter having miscarried, Mr. Bailey had no notice *re* confirmation, and had set out for Granville. Sent to recall him.

August 31.  
Sunday.

Mr. Bailey returned. Confirmed 25 persons: about 45 more prevented for want of notice. The church being finished: £100 required to complete it, providing a gallery for the soldiers.

September 1.

Set out for Cornwallis. Dined with Col. J. DeLancey. At the house of Capt. St. Croix met several principal inhabitants of Granville, and discussed the state of religion there. Granville is ten miles by eight and very populous. Church people desirous of having a minister, and Dissenters willing to contribute. Informed them they must first secure a church, and end the system of sharing a meeting house with the Dissenters.

September 2.

Detained at Capt. St. Croix by rain.

September 3.

Proceeded to Major Bayard's on south side of Annapolis river, where a bridge is just begun. Report that Gov. Franklin or Gov. Hamilton is to succeed Gov. Parr. Reached Mr. Walker's.

September 4.

Went with Mr. Morden to the top of the North Mountain

September 5.

Proceeded with Col. Burbige to his house at Cornwallis.

1792.  
March 16.

Declaration of accuracy of a copy of a certificate *re* building of churches.

Here follow a number of certificates as to the progress of the building of certain churches, and the amount of the public grant which may therefore be paid.

July.

Church at Shelburne.

1788.  
Halifax.  
October 17.

Churches at Digby, Manchester, Parrsborough and Preston.

1789.  
March 10.

Church at Shelburne. An additional grant has been made to it.

April 7.

Church at Preston.

May 2.

Church at Manchester.

Halifax.  
October 15.

Church at Parrsborough.

Halifax.  
November 7.

Church in Aylesford.

Halifax.  
December 4.

Church in Shelburne.

Halifax.  
1790.

Church at Digby.

Halifax,  
Jan. 30.

Church at Preston.

Halifax,  
April 12.

Church in Wilmot.

Halifax,  
April 12.

Church in middle district of Granville.

Halifax,  
May 6.

Church in Aylesford.

Halifax,  
May 28.

Church at Sissiboo.

Halifax,  
July 19.

Addition to Christ Church in Granville.



## SESSIONAL PAPER No. 29b

1790.  
Halifax,  
November 1. Church in Wilmot.  
Halifax,  
November 4. Church at Aylesford. An additional grant has been made.
1791.  
Halifax,  
Jan. 15. Church in the middle district of Granville.  
Halifax,  
July 28. Church in the middle district of Granville.  
Granville,  
August 24. Church in the lower district of Granville.  
Halifax,  
October 17. Church at Manchester.  
October 21. Church at Digby.  
Halifax,  
November 8. Church at Aylesford. An additional grant has been made.  
Halifax,  
December 17. Church in Wilmot. An additional grant has been made.
1792.  
Halifax,  
March 3. Church in lower district of Granville.  
An incomplete certificate regarding the churches in the middle and lower districts of Granville.
1793.  
Halifax,  
March 21. Church at Sissiboo.  
Halifax,  
June 3. Church at Parrsborough: additional grant.  
Halifax,  
July 12. Church in lower district of Granville.  
Aylesford,  
October 21. Church at Clements.
1794.  
Halifax,  
December 24. Church in Douglas.
1795.  
Halifax,  
Jan. 13. Church at Clements.  
Halifax,  
June 20. That the money allotted for a church at Barrington not having been called for has been assigned to three other churches.
1798.  
Charlottetown,  
October 4. Order for payment to John McMonagle from fund for finishing Christ's Church, Windsor.

## " ENGLAND—1787—NOVA SCOTIA—1790."

1787.  
August 12. "I was consecrated at Lambeth by his Grace the Archbishop of Canterbury, assisted by the Bishops of Rochester and Chester."  
Sunday.  
August 13. Books and furniture put on the *Lion* for Halifax.  
August 14. Waited on the Archbishop. Received payment towards expenses from Treasury. Paid fees for patent and commission.  
August 15. Took leave of the Archbishop, who set out for Buckingham.  
August 21. The Archbishop returned, and attended a Committee of the Council at the Treasury, where matters relative to the Nova Scotia Episcopate were to come under consideration.  
August 22. Conversation with the Archbishop. Archbishop Secker, had he not been too rigid, would have had bishops appointed for America.  
August 25. Set out for Gravesend, with his children, Margaret and John, to go on board the *Lion*.



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1787.  
August 26.  
Sunday. Appearance of the congregation at church. Saw Mr. Pote, Rector of Milton. Went on board the *Lion*.
- August 27. Walked to Windmill Hill.
- August 28. The *Lion* came to the Nore.
- August 29. Came to the Downs.
- August 30, 31. Proceeded down the channel.
- September 1. Took departure from the Lizard.
- September 2.  
Sunday. Read prayers and preached.
- October 14.  
Sunday. At 5 o'clock p.m. made land east of Halifax.
- October 15. Anchored at Halifax at 12 o'clock at night.
- October 16. Welcomed by Major Cortlandt and Mr. Wm. Taylor: lodged with former. Received calls from Dr. Byles, Mr. Weeks and Mr. Houseil. Waited on Governor Parr, who behaved politely. Wrote to Mr. Seabury, at Annapolis, for servants and furniture, and to Mr. Cooke, in New Brunswick. Visited by Mr. Cossit, Missionary in Cape Breton, on the way to spend the winter with his family in New Hampshire. Description of conditions in Cape Breton: about 350 families—many Roman Catholics, some seceders; the congregation lukewarm. Urged the necessity of the clergymen residing in their missions.
- October 17. Sent letters to England by Mr. Moore. Rented Mr. Wallace's house. Agreed with Mrs. Philips for board. "Dined with the Governor, who appears to be an open-hearted, well-meaning, friendly man."
- October 18. Was informed by Dr. Byles of the circulation among the clergy of letters from England inciting disaffection because of their not choosing the Bishop. Replied that this was the prerogative of the King, that he himself "was determined, with the blessing of God, to proceed [in the discharge of his duty], without any regard to the secret and malignant efforts of any republicans, and that they would in the end find themselves in the situation of the viper that was biting a file."
- October 27. Waited on Prince William Henry, who had just returned from Quebec. "The Prince is rather thin; he is slender, genteel, affable and sprightly."
- October 28.  
Sunday. Preached for first time in Halifax. Congregation large and attentive.
- November 5. Prince William Henry landed in state. Gave him assurances of loyalty and attachment to the King, and pleasure at the opportunity of diffusing similar principles. The Prince informed him that the Popish Clergy of Canada were very violent and bigoted, and that measures to check their violence would be necessary. Promised to do all possible to meet the Prince's wishes in matters which from his knowledge of the country he regarded as necessary. Dined with the Prince and Legislature—"a very good dinner." In the evening a ball.
- November 8. Packet from England.  
Drew for salary.
- [1788.]  
March. Church of Halifax in embarrassed state owing to enmity between Dr. Byles, Chaplain of the Garrison, and Mr. Weeks, the curate. Received assurance of the Governor that he had no objection to Dr. Byles being asked to preach occasionally, as a means of healing



## SESSIONAL PAPER No. 29b

- the breach;—it had been said that the Governor was offended at a satire attributed to Byles.
1788.  
April 20.  
Sunday. Began two Sunday Schools: one for boys, taught by Mr. Tidmarsh; the other for girls, by Mrs. Clarke: 13 boys and 10 girls. Asked to see the parents in the afternoon, but only three attended. Admonished them not to defeat the work of the schools by bad example.
1790.  
April 16. The *Rashleigh* arrived, bringing two sets of Church Plate from the Archbishop of Canterbury for Christ Church, Windsor, N.S., and Trinity Church, St. John, N.B.
- May. Writes down some particulars which may be talked of hereafter; The Rev. Wm. Nicholson, chaplain to Sir Richard Hughes' flag-ship *Adamant*—a great grandson of Dr. Gibson, Bishop of London, which prejudiced him [Bishop Inglis] in his favour,—was only in Deacon's Orders, and applied in 1789 to be ordained Priest. Promised to do so in May, 1790, if he would read certain books, be found properly prepared, and if all things should turn out well. Nicholson preached frequently at St. Paul's. but from printed sermons. Some marks of levity in his conduct. Mr. Money, Archdeacon for examination, . . . . .
1790.  
September 17. Set out for Windsor, Aylesford and Granville. Called at Faulkner's, Mr. Johnston's, Mr. Uniacke's, Woodworth's.
- September 18. Breakfasted at Montagu House. Reached the Academy. Made arrangements for digging a well (which would fix the site of the college) and other matters.
- September 19.  
Sunday. Preached. Dined with Mr. Ellis, and reprov'd him for abusive language. Mr. Ellis declared he would not attend Newport any more.
- September 20. With Mr. Van Norden and others fixed the site of the well. Dined with Judge Deschamps.
- September 21. Made proposals to Mr. Hall for digging the well. Spoke to Mr. McMonagle and Mr. Hammill *re* foundation of chancel. Crossed ferry and proceeded to Horton with Mr. John Walker. At Mr. Fowler's met Mr. Belcher, who mentioned the turbulent spirit among a few people at Cornwallis over School Lots, though a large majority satisfied. Arranged to have Capt. Huston's conveyance of his lot at Aylesford executed.
- September 22. Set out again; breakfasted at Mrs. Wi'loughby's; reached Mr. Morden's before dinner. New church at Aylesford to be ready by 10<sup>th</sup> October, when it will be consecrated. Mr. and Mrs. Morden importunate to have a schoolmaster appointed.
- September 23. Wrote to Mr. Wiswall and Mr. Belcher about the consecration. Major Cortland and his son at Mr. Morden's. Discussed with Mr. Walker matters connected with his [the Bishop's] property; a large tract "upwards of 9000 acres." Petition for a road to be opened to the Bay of Fundy.
- September 24. Viewed tract of land purchased from Capt. Terry. Mr. Wiswall called.
- September 25. Set out for Granville. Breakfasted with Major Bayard, who is going to England. Met his own son John, and Mr. and Mrs. Inglis. Dined at Mr. St. Croix's. State of the work on Christ Church.
- September 26. Preached. Mr. Inglis preached and catechised in afternoon: 14 children. Peace throughout the mission.
- September 27. Went to see state of the work on the middle church. Major Millidge [who surveyed it] showed him the plan of his large tract of land at Aylesford.



1790.  
 September 28. Rained.  
 September 29. Church Officers chosen for the three districts of Granville. Mr. Dodge, formerly a Deacon of Independents, a churchwarden of Christ Church: "a sensible, religious man, and much more rational in his ideas and principles than I expected."  
 September 30. Met the Commissioners for building the middle church, Trinity Church: arranged for certain alterations. Could not get £20 in Annapolis because of the scarcity of money.  
 October 1. Major Millidge drew up a petition to the Governor to have Granville erected into a parish. With Major Millidge, divided his [the Bishop's] large tract of land into lots.  
 October 2. Rode up mountain. Dined with Mr. Morrison, and saw Capt. Thorne.  
 October 3. Preached twice to crowded congregations.  
 Sunday. Administered sacrament to 21 persons;—among them Mr. Dodge. Went to Capt. St. Croix's.  
 October 4. Describes difficulties connected with the erection of a parish: as there could be only one parish church, the other two churches might suffer. The preference should be given to Christ Church.  
 October 5. Set out for Aylesford. Stopped at Mr. Leonard's, Mr. Walker's, (called on Capt. Ruggles), Mr. Buskirk's, and Mr. Morden's.  
 October 6. His son and Mr. Franklin set out for Windsor. Further description of his property.  
 October 7. Dined at Mr. Wiswall's, and met Major Millidge, who had come to lay out a road to the Bay of Fundy and make other surveys.  
 October 8. Adjusted matters with tenants to go on his land. The Court of Quarter Sessions has approved of the new road, but appointed no committee therefor. Hangings for pulpit, &c., in St. Mary's Church arrived.  
 October 9. With Major Millidge drew up estimate for farm house and barn.  
 October 10. Consecration of St. Mary's Church. Its dimensions 42 feet by 28. There were 15 communicants.  
 October 11. Engaged Mr. Garret Van Buskirk to build a farm house and barn, and the church fence.  
 October 12. Hugh and George Morrison, after some objections, agreed to let the new road go through their land. Final arrangements for the farm house and barn.  
 October 13. Further arrangements for the road. Set out for Horton with Miss Franklin. Received the executed conveyance of Capt. Huston's land. Dined at Mr. Peck's—apparently "a thorough yankee."  
 October 14. Went to Windsor. Description of the newly-dug well. Lodged at Mr. De Wolfe's.  
 October 15. Met persons desiring to tender to supply stone for the college. Their terms too exorbitant: told them so, at length.  
 Sought an estimate for a supply of brick. Set out for Halifax; lodged at Woodworth's.  
 October 16. Proceeded home, stopping at Mr. Johnson's and Faulkner's. Is in much better health than when setting out.  
 May 27, 28. Memoranda of purchases made for a tenant.  
 October 27. Michael Paine set out to settle (on the Bishop's property) at Aylesford.



## SESSIONAL PAPER No. 29b

## "QUEBEC—1789."

"Minutes of my voyage to Quebec and proceedings during that time in 1789."

- 1789.
- May 12. Embarked on *Dido* frigate, Capt. Sandys, for Quebec.
- May 13. Sailed. Other passengers Mr. Binney, Sr., and the Rev. Mr. Jones, a Roman Catholic. The *Hercules* reported burnt March 7<sup>th</sup>.
- May 14, 15. Favourable weather.
- May 16. Sailed through Gut of Canso. Description. At Arichat on Cape Breton side of Chedabucto Bay is a French settlement of 100 families, with two priests. On Nova Scotia side of the Gut is a Loyalist settlement from Florida, about 30 families.
- May 17. Arrived at Charlottetown in the Island of St. John.
- May 18. Landed; politely received by Gov. Fanning. The 27th appointed for public thanksgiving for His Majesty's recovery.
- Remained till the 26th. Description of the island. No churches or school-house. Inhabitants computed to be between 5,000 and 6,000 one-third Roman Catholics—French and Scottish Highlanders. The Rev. Mr. Desbrisay, rector of Charlotte, a sensible young man, the only clergyman of any denomination. Upbraided the churchwardens and vestry for neglect in building a church. They laid the blame on the late Lieut.-Governor Patterson, who had misapplied £3000 allotted by Government for a church and other public buildings.
- May 20. Gov. Fanning began a subscription for a church, to be paid to Col. Calbee and Maj. Gray.
- May 21. Received an address from the Rector, Churchwardens, and Vestry. Requested that they would forward the church subscriptions. Various other methods suggested, or agreed upon, for assisting the work. Capt. Sandys offered to assist with his carpenters and other men, and boats.
- May 22. Violent gale.
- May 23. Returned an Answer to the Address. Both printed in the St. John's Gazette. Intimated desire to preach, "but absolutely refused to preach in the Coffee and Ball room, where Mr. Desbrisay usually officiated; that I might in the most pointed manner show my disapprobation of the contempt thrown on Divine worship by having it celebrated in so very improper a place." Mr. Patterson's house fixed on for service, as largest and most convenient. On the advice of Governor Fanning, drew up an official memorial to the Lieut.-Governor in Council *re* church building and assignment of glebes and school-lands, urging that the King's Instructions be punctually complied with.
- May 24. Divine service attended by 300 persons, including 90 from the *Dido* and the garrison, part of the 42nd Regiment. Met Mr. Stuart, the Chief Justice. He has put away his wife for her criminal relations with Patterson, the late governor, who has been outlawed for failing to answer on this charge.
- May 25. Went to see Gov. Patterson's farm, where he is said to have laid out near £5,000.
- May 26. Sailed from Charlottetown.
- May 27. Sailing through Northumberland Strait.
- May 28. Doubled the West Cape.
- May 29. Made land near Gaspé and Cape Rosier.
- May 30. Saw Anticosti and the northern shore.



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1789.  
May 31.  
Sunday. Violent gale. Sick. Held evening service.
- June 1. Wind continuing ahead, entered port of "Gaspee."
- June 2. Visited Mr. O'Hara, principal magistrate of the district—a kind of separate government in the province of Quebec, of which Capt. Cox, residing at Carlisle in the Bay of Chaleurs, is Lieut. Governor. O'Hara a sensible, well-informed man; has resided here 24 years, being the first British settler. Fishing the only industry. No place of worship at Gaspee. There and at Pierce Island are 400 or 500 souls, "in a state of heathenism:" the majority Papists and Protestant Dissenters.. Inhabitants of Chaleurs more numerous: English Fishermen and Acadians who have a priest named Bourgh, allowed £100 a year from Government. Also a settlement of Indians, who have a priest.
- June 3. Went to Douglas Town: about 20 houses, 15 inhabited, most of them wretched hovels.
- June 4. Mr. McPherson, a magistrate, resides here.
- June 5. Went ashore on east side of Gaspe. Went to Mr. Lemesurier's house; several brothers of this name, natives of Guernsey, are in the fishing business. "They generally catch from 10,000 to 12,000 quintals of fish every year, and sometimes bring over 100 fishermen from Guernsey for the season." Description of the bay. Royal salute in honour of the King's Birthday.
- June 6. Sailed for Quebec.
- June 7. Continued voyage.
- Sunday. Preached and read prayers.
- June 8. Continued voyage.
- June 9. Came to anchor off Quebec. The Captain went to wait on Lord Dorchester, who was in the country, 6 miles away.
- June 10. Landed: was received by Col. Davis, the clergy, and others, Waited on Lord Dorchester. Took lodgings at Mr. Frank's at 8 dollars per month
- June 11. Stormy. Sent letters by Dr. Pearce, going by land to Annapolis.
- June 12. Found lodgings wet and unfit for occupation.
- June 13. Dined at Mr. Toosey's, two miles from town.
- June 14. Services in the Recollet Church by himself, Mr. Montmollin, and Sunday. Mr. Toosey. This was the first time divine service was solemnized in Quebec in the afternoon.
- June 15. Arrangements for obtaining information *re* church affairs. Dined with Mr. Houghton at the Mess of the 53rd Regiment.
- June 17. Col. Caldwell, Mr. Collins, Mr. Dunn, Mr. Alsopp, and Mr. Ogden met and explained the deplorable state of the Church of England, having no place of worship except by permission of the owners of the French Churches. Suggested obtaining the Recollet Church, on making compensation to the three surviving friars. Waited on Lord Dorchester, who said this was impracticable. Dined with Col. Caldwell.
- June 18. A public dinner at Lord Dorchester's and a rout in the evening, part of the rejoicings for the King's recovery. The Canadian ladies and gentlemen dressed in the English mode, the only sign, besides the garrison, of an English city. The Canadians, who are 5 to 1, "have all the Churches, and are French as much as when they were conquered." Describes the procession and other pompous ceremonies



## SESSIONAL PAPER No. 29b

of this, the Octave of Corpus Christi,—“strange perversion of the pure, simple religion of the humble and meek Jesus.”

1789.  
June 19.

Had conference with Lord Dorchester *re* religion and literature. Some warm altercation, ending amicably. Dorchester generous and liberal, perhaps to excess in making too little distinction between the National Church and other denominations. He is attached to the Canadians because of their assistance in defending Quebec; and favours the Dissenters because the Chief Justice, who is his prime minister as it were, is a Presbyterian. He disapproves of grant of Jesuits' Estate to Lord Amherst, and agrees it should be appropriated for a University. It amounts to between £1000 and £2000 per annum. He thinks the Sulpician Estate (consisting of the Island of Montreal and several seigneuries—£12,000 or £16,000 a year) will not lapse to the Crown, as the priests are secular, not regular. Urged on Lord Dorchester the need of a decent place of worship in Quebec: the Recollet Church is used, on sufferance, only the forenoon, and the bringing in and removal of the church furniture causes confusion; and the chapel in the Bishop's Palace, rented by the Crown, is too small, and is used by the Courts of Justice. His Lordship promised any lot belonging to the King, and any timber that could be spared, for a new church. He concurred as to need of schools. Glebes and schools lands are reserved in the new townships to the westward. The Canadian are as firmly attached to the Church of Rome as ever, and the Church of England can have no footing till the people are enlightened, to effect which schools seems the properest method.

June 20.

Examined maps of new settlements, Montreal to Bay of “Kente.” The new settlers—Loyalists and disbanded soldiers,—amounted to upwards of 13,000 in November, 1788. Dr. Baillie, Coadjutor and Bishop Elect, called: a decent man; speaks bad English. Dined with Dr. Mabane; beautiful situation of his and of Gen. Powell's house.

June 21.  
Sunday

Preached. Since the Recollets, and Lord Dorchester, objected to the use of their church in the afternoon, directed that afternoon service should be in the Bishop's Chapel.

June 22.

Reported to gentleman before mentioned the result of his representation to Lord Dorchester. They decided to ask for the ground opposite the old prison.

June 23.

Examined the proposed site. Mr. Collins (the surveyor) surveyed it. Mentioned the proposal to Lord Dorchester at dinner in the country.

June 24.

Informed Mr. Montmollin that the Society wished that he should have a respite, continuing to enjoy his salary: not because of any disapprobation of him, but because circumstances demanded an English clergyman. Setting out for Montreal, proceeded with Mr. Toosey to Pointe aux Trembles. Lodged with Mr. Baillie, Curé and Bishop-Elect for the Roman Catholics, who was very civil and hospitable. He distinguished himself by his loyalty and was severely wounded at the invasion of the rebels; had lived some years in Lord Dorchester's family, and is much respected by Protestants. Had a small, but neat, collection of books, with several French translations of English poets.

June 25.

Proceeded over 50 miles to Mr. Guillette's on east of River Batis-can. “The calash uneasy and fatiguing.” Describes the country: like a continuous village, with churches at intervals, some handsome. Gives some description of Mr. Baillie's, and that of Cap Sante.



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1789.  
June 26. Proceeded to Three Rivers; lodged at Mrs. Morris'. Viewed Recollet Church, in hands of Government and going to ruin. Dined at Mrs. Mellish's.
- June 27. Dined with Col. Morris. Consulted with Protestant inhabitants *re* obtaining and repairing the church. Only 12 families, mostly Presbyterians, and only 3 or 4 able to contribute: about 9 other families from 6 to 15 miles from town. They are divided and not very hearty. Decided to petition Lord Dorchester for the use of the church; Mr. Sills, Deputy Commissary, to certify that Government had no occasion for it. Exchanged visits with M. St. Onge, Grand Vicar, a decent respectable man. Conversed in Latin. Visited nunnery, where are 28 Ursuline Nuns. Because of distress of the poor, gave 50 loaves to Mr. St. Onge to be distributed among the Roman Catholic poor, and 50 to Messrs. Veyssiere, Grant, McPherson and Frazer for the Protestants. There are 150 popish families.
- June 28.  
Sunday. Services held. Mr. Veyssiere's sermon, and prayers could not be understood. No better design than the appointment of such clergymen could be formed for degrading the Protestant Religion. Have not had one Canadian convert, and impossible that there should be any.
- June 29. Baptized a child for Mr. McPherson. Proceeded. At Mr. Coffin's saw Col. Callbee's child, who speaks no English. Called on Mr. Davison. Near him are 15 Protestant families, chiefly from Scotland. Promised to recommend them to the care of Mr. Doty at Sorel. Lodged at Bellaire's.
- June 30. Proceeded to Keating's at Berthier. Crossed to Sorel, now William Henry, and lodged with Mr. Doty. Lot and glebe, and some timber, given by Lord Dorchester, but poverty of people may prevent finishing a church. Capt. Smith of the Artillery very civil.
- July 1. Went to Berthier; called on Mrs. Cuthbert, whose husband owns a valuable seigneurie. Proceeded with Mr. Doty. Lodgings disagreeable.
- July 2. Crossed to Island of Montreal and dined at Mr. Burn's, 9 miles from Montreal. Met by Mr. De Lisle and 8 or 9 of the principal gentlemen. Rode to town with Mr. Frobisher, and was given the elegant house of his partner, McTavish, who had gone west, as lodgings.
- July 3. Many of the principal inhabitants called. Describes the Jesuits' Church, which Lord Dorchester proposes to give to the Church of England. Montreal contains 1000 houses; about 1800 Protestants, scarcely one-half Church people.
- July 4. Rode out with Maj. Hughes and Mr. Frobisher. Description of the island. Visited by Mr. MacDonald, M. Velt (the only Jesuit here) and others of Romish clergy. Had Maj. Hughes inform the Recollet that Mr. De Lisle would want his church in the afternoon: he replied civilly. He appears to be ill-tempered, and was the cause of a violent contest among the papists at Michuhi, which has been carried into the courts. His Bishop has in part suspended him for this.
- July 5.  
Sunday. Preached to a large and decent congregation. Could scarcely understand Mr. De Lisle, though he speaks better than Mr. Montmollin or Mr. Veyssiere, and is more respectable.
- July 6. Rode to top of mountain. Describes view.
- July 7. Visited Hotel de Dieu: 36 professed nuns and 6 novitiates; 46 patients under their care, which is excellent. There are a nunnery of



## SESSIONAL PAPER No. 29b

1789. Grey Sisters, who care for orphans, and one of Sisters of the Congregation, who instruct female children. Visited the Seminary and saw the ecclesiastics: among them, Mr. Montgolfier, a venerable old gentleman of upwards of 80 years, who is much esteemed by the Protestants. He was formerly a French Captain of Horse.
- July 8. Received address from Protestant inhabitants. General wish for an assistant to Mr. DeLisle. Suggested that £100 be secured for him.
- July 9. Paid visits. Dined with Sir J. Johnson.
- July 10. Conferred with Mr. DeLisle *re* appointment of assistant, which he wishes. Suggested that he (Mr. DeLisle) should occasionally preach in French. Dined with Mr. Walker, an eminent lawyer.
- July 11. Went with Col. Grey to view the Protestant Militia; upwards of 200 appeared.
- July 12. Confirmed about 170 persons, many of them Dissenters. Gave 100 loaves of bread to be distributed among the poor by Mr. DeLisle, the Popish Curate, and some Magistrates. Ten gentlemen engaged for the payment of £100 a year to an English assistant for Mr. DeLisle.
- July 13. Set out for the Cedars. Breakfasted with Mr. Goufroid, Curé of Point Claire, 18 miles from Montreal: has a small library; showed a small 72 gun ship he had made, "like those usually hung up in the popish Churches of Canada." Crossed the Ottawa by ferry to Mr. Lotbinière's a seigneur. With him went to the locks on the St. Lawrence: three locks, well constructed. Mr. Dennis, Deputy Commissary, accompanied him to Coteau du Lac, where there is another lock.
- July 14. Breakfasted with Mr. Lotbinière. This "the most genteel Canadian family I have yet seen." Returned to the Island of Montreal. Dined with Mr. Beson, a Sulpician, "one of the most respectable Clergymen in Canada, and well affected to the English." He had assembled the militia, who had a *feu de joi*. Another Sulpician, M. Boisel, Mr. Goufroid, and another priest, were at dinner. Proceeded to Mr. Boisel's, and thence to Montreal.
- July 15. Set out to La Chine. With Sir J. Johnson visited the Indian village of Caughnawaga; about 700 Indians there. Visited the missionary; saw a good picture of Father Laffitau, a former missionary, who wrote a learned work, *Moeurs des Sauvages*.
- July 16. Set out for Quebec in an open boat: accompanied to Sorel by Dr. Moseley.
- July 17. Proceeded. Lodged for the night with a Recollet friar named Louison, priest of the parish of St. Peter's (probably St. Pierre les Becquets), but spoke only through an interpreter.
- July 18. Proceeded to Cap Sante, 10 o'clock. Fearing inability to reach Quebec, 36 miles distant, as wind was ahead, took post and arrived at 8 o'clock.
- July 19. Mr. Toosey and Mr. Montmollin preached.
- July 20. Moved to Mr. Finlay's house, which he politely offered. Told Mr. Finlay he [the Bishop] would appoint Mr. Toosey to officiate for the congregation if they approved. Advised opening a subscription and beginning a church. Gave Lord Dorchester an account of proceedings at Montreal; he asked for regulations for schools.
- July 21. Communicated sentiments as above to Mr. Alsop.
- July 22. Sketched regulations for schools. Lord Dorchester signified intention to give the Jesuits' Church at Montreal, but could not give final



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1789. answer till the Engineer's report *re* repairs should be received. He approved of the regulations for schools.
- July 23. Received letters from his daughter Margaret and friends at Halifax. Urged on several gentlemen the expediency of building a church, but success is doubtful.
- July 24. Attended to business matters.
- July 25. Dined with Lord Dorchester, who is indisposed.
- July 26. Preached in morning. Heard Mr. Tunstall preach in afternoon.
- Sunday.
- July 27. Wrote to John Butler and Robert Hamilton at Niagara, asking questions as to population there, and stating terms on which a clergyman would be provided.
- July 28. The spot where Gen. Montgomery fell shown by Capt. Johnston, who commanded the battery that killed him. Capt. Johnson and Mr. Purss manufacture Essence of Spruce; saw their works, which cost £10,000.
- Jan 21. Received, from Mr. Whitlock of St. John, N.B., information of a scandalous report *re* his (the Bishop's) relations with a common prostitute, when there last August. Enclosed a deposition that Dr. Calif had urged her to say this. Prays for divine assistance in clearing his innocence against these evil machinations.
- " QUEBEC—1789—No. 2."
- July 28. Chosen honorary member of the Society for promoting agriculture. Decision to open a subscription for building a church, and to have parish officers elected. Misbehaviour of servant. Dined with the Baron Club.
- July 29. Went to Fall of Montmorency with Sir Th. Mills, Mr. and Miss Chandler, and others. The fall is 247 feet. Dined in a house of Sir Frederick Haldimand.
- July 30. Visited Mr. Keith's school: about 440 scholars. Highest class, one scholar, reads Horace and has begun Homer. The boys performed tolerably. Was informed by Lord Dorchester that the report of expense for repair on the Church at Montreal was too great: he would do only what would save it from ruin. He approved of committing the Quebec congregation to Mr. Toosey. Dined with Mr. Winslow.
- July 31. After a disagreeable scene induced Mr. Montmollin to acquiesce in his supersession. He has been minister here for 21 years: his moral character pretty fair, but he did not understand church discipline, or the English language, his mind sordid, manners uncouth, and address mean and disgusting. Dined with Mr. Ogden. Wrote to Dr. Lost by the *Endymion*, carrying 43rd Regiment to England.
- August 1. Drank of sulphurous spring in St. John's Suburb. Acquainted Messrs. Montmollin and Toosey, in each other's presence, that English congregation would be committed to latter.
- August 2, Sunday. Services held. The *Weazle* arrived to take him home.
- August 3. Dined at Sir T. Mills'. Received a letter from Mr. Motz, written at Lord Dorchester's order, *re* plan for schools: suggested consultation with principal inhabitants, and an address to the Governor for a College.
- August 4. Messrs. Stuart and Langhorn, who came near 400 miles, and Messrs. De Lisle and Doty arrived to attend visitation. Received



## SESSIONAL PAPER No. 29b

1789. from Lord Dorchester verbal confirmation of his wish to be addressed by the people for a College, that he might have proper ground to use the Jesuits' estate. Chief Justice Smith declined making the report, as Lord Amherst, who claimed that estate, confided in him. Churchwardens and vestrymen chosen for the first time; £150 subscribed for a church.
- August 5. Held Visitation with 8 clergymen.
- August 6. Prepared Injunctions for clergy, and licences for such as were not licensed.
- August 7. Confirmed about 130 persons, among them two of Lord Dorchester's sons, and several Dissenters.
- August 8. The usual subscriptions and oaths administered. Licenses given to Messrs. John Stuart, Philip Toosey, John Doty and John Langhorn. Injunctions printed. Mr. Stuart, a prudent, sensible, and exemplary clergyman, appointed Commissary "from Point au Bodette to the Western limits of the province." Lord Dorchester approved of a draft memorial for a College which had been submitted, and stated that the Jesuits' Church at Montreal would be repaired and granted to the Protestants.
- August 9. Administered the Sacrament to about 110 communicants. Confirmed 9 persons.
- August 10. Clergy presented a memorial *re* college, and an address. An account of the Visitation to be printed in the Gazette. Conferred with Mr. De Lisle *re* an English assistant: insisted that the assistant must be the English preacher, though Mr. De Lisle might preach occasionally. He agreed to pay £20 annually to Mr. Tunstall. Dined with Mr. Lind, brother-in-law to Mr. De Lisle.
- August 11. Discussed with several Canadian and English magistrates the plan for English schools. Lord Dorchester approved of proceedings of the Visitation. It was decided to petition Lord Dorchester for the land on which a church was to be built (it was found to belong to the Jesuits), for the Jesuits' Church, and for other vacant lands.
- August 12. Urged on Mr. Veyssiere the propriety of his making an allowance for an English assistant. Went to Lorette; about 130 Indians there; they danced well. Their priest, a Jesuit, Father Jearaux, seemed a plain, diligent man.
- August 13. Wrote to parish officers of Montreal stating agreement between Messrs. De Lisle and Tunstall, and to those of Three Rivers, that Lord Dorchester would repair and grant the Recollet church. The magistrates held a meeting *re* schools: the Canadians handed in a paper declining to act till they had consulted their brethren at Montreal and Three Rivers. Told Lord Dorchester "I feared the Canadians would prove to be spoiled children: that they seemed to consider themselves as a distinct people from the English and wished to continue so. "Would alter the plan to meet their wishes." Dined with Mr. Aylwin.
- August 14. Dined with Mr. Finlay at Woodside.
- August 15. Had a conversation with Mr. Gray, the Attorney General, about the Jesuit's estate, and building a church. He advised applying to Government for a church, instead of building one. Visited Messrs. DeLery, Cugnet, Dechenay, and other Canadians. Dined with Mr. Taylor.
- August 16, Sunday. Preached a farewell sermon. Had warm conversation with Lord Dorchester *re* a church. "He said, 'Let the people build a church.'



4 GEORGE V., A. 1914

1781. I answered. 'that he might as well tell them to set a ladder against the moon, when they had not even a place on which to erect a church.' Promised to return to Quebec "when they procured a Church."
- August 17. Gave Mr. Montmollin a certificate that the appointment of Mr. Toosey was not due to any irregularity in Montmollin's conduct. Gave Mrs. Morris a certificate of the good character of her husband, Lieut. Col. Morris, and 5 guineas. Parted from Lord Dorchester with mutual good wishes. Mr. Gray's memorial and petition to be presented to him next day. Went on board the *Weazle*. Anchored above Crane Island.
- August 18. Sailed down the river. Saw many white porpoises. Anchored near Kamaraska Islands.
- August 19. Continued voyage.
- August 20, 21. Sailed 80 leagues each day. Saturday evening anchored in Gut of Canso.
- August 23, Sunday. Held services on shipboard.
- August 24. Continued voyage.
- August 25. Continued voyage.
- August 26. Reached Halifax. Gov. Parr has gone to Shelburne. Learned that Mr. Twining, a clergyman sent by the Society and recommended for Cornwallis, had been inducted by the Governor without having institution or license. Mr. Wiswall had been removed to Granville by the Society. A letter from Archbishop of Canterbury states that the Society had approved of Mr. Wiswall's request for removal before the arrival of his (Bishop Inglis's) recommendation of Mr. Inglis for Granville; Mr. Twining was to be fixed in some mission in Nova Scotia, but the Secretary was charged to state that provision for the Bishop's nephew was to precede. The Secretary had not done this, but had warmly recommended Mr. Twining for Cornwallis. Mr. Eagleson has relapsed into drunkenness. Pointed out to Mr. Bulkeley that Mr. Twining's induction was precipitate and illegal. Wrote officially to the Archbishop of Canterbury *re* proceedings in Canada, and privately *re* injury to discipline by cases of Wiswall and Twining.
- September 11. Proceeded to Windsor with his son John.
- September 12. Cited Mr. Eagleson to appear for investigation, and wrote to Messrs. Barron, Law and Dixon for information on the subject. Viewed land offered for site of college.
- September 13, Sunday. Services. Most of inhabitants and soldiers had to stand out of doors. Trustees agreed to begin a new church.
- September 14. Set out for Granville, calling on Mrs. Morrison in Falmouth; reached Mr. Fowler's in Horton. Met Mr. Twining, decent young man in appearance, and informed him that his induction was a nullity.
- September 15. Proceeded to Mr. Morden's at Aylesford. Mr. Wiswall supposes he is to be missionary at Wilmot and Aylesford only, not Granville, and has made formal resignation of Cornwallis to Governor Parr. The whole procedure in this business a chain of blunders.
- September 16. Rode with Mr. Morden and Mr. Walker to the Bay of Fundy.
- September 17. Called on Mr. Wiswall and informed him that Granville was part of his mission. He absolutely refused to attend it, used disrespectful language, and seemed to think that a Bishop had very little to do



## SESSIONAL PAPER No. 29b

1789. with the clergy. Proceeded to Major Bayard's, and with him to the Nictaux settlement, where are about 15 families who came soon after the expulsion of the French. Like the other first settlers from New England, are indolent and indifferent farmers. A furnace and forge to make iron is being erected, but it seems too distant from the ore.
- September 18. Called on Gen. Ruggles: he spoke of wheat grown on the South Mountain, a bushel of which weighed  $67\frac{1}{2}$  lbs. Saw Mr. Copley, schoolmaster at Wilmot, who has 12 scholars. J. Dunn gave a good report of the land he (the Bishop) purchased from Capt. Phipps. Proceeded to Capt. St. Croix. Learned that the people of Granville were strongly prejudiced against Mr. Wiswall.
- September 19. Wrote to Mr. Bailey to come to Christ Church, and to Mr. Viets *re* Admiral Digby's present of £150 to Church of Digby.
- September 20. Preached in Christ Church, Granville: this formerly a meeting house, but given up by the Dissenters to the Church of England. Went to Major Millidge's.
- September 21. Viewed proposed site of church on Mr. McCormick's land: advised proceeding with building, for which £91 subscribed. Advised inhabitants opposite Goat Island to build a church. Drew plans.
- September 22. Set out for Major Barclay's. Mr. Morrison complained of the people of Coubigat, who had not paid for surveys made by him. Deacon Dodge, who was principally instrumental in giving up the meeting house, and many others, expressed dislike of Mr. Wiswall. The Deacon said the Church people expected to go to heaven for nothing. Met Squire Chesley at Capt. St. Croix; they were importunate for money to finish their church (Christ Church.)
- September 23. Rode with Mr. Barclay to see the new settlement of Loyalists on the mountain towards the Bay of Fundy: 25 families, 107 souls, 54 children; all members of Church of England, very industrious and sober. Mr. Copley attends here half his time. They want a permanent schoolmaster. Went to Bay of Fundy. Description of a remarkable rock on the shore, about 500 yards square. Called on Capt. Ruggles and recommended Mr. Chesley's land for the Church of Wilmot.
- September 24. Administered the Sacrament to Mrs. Boyd, aged 87. Arranged with John McAllister and James Kelly to settle on his land.
- September 25. Spoke to Mr. Morden about opening a road and about securing a glebe in Aylesford. Met Governor Parr at Cornwallis. Reached Col. Burbidge's.
- September 26. Mr. Twining is liked. The inhabitants want the produce of the school lands, which are leased in an unsatisfactory manner, divided among the schoolmasters of the township. It should be given to one only. Recommended that the lands should be given to Mr. Fox, the Society's schoolmaster, who offered to teach twelve children gratis and reduce fees to others from 52s. to 40s. per annum.
- September 27, Sunday. Mr. Twining's neglect in wearing his habit has given offence. Mr. Graham the Presbyterian minister, offered the use of the meeting house. Mr. Twining's qualities as a preacher.
- September 28. Breakfast with Sheriff De Wolf in Horton. Recommended that schoollands in Horton be appropriated to Mr. Fullarton, as those of Cornwallis to Mr. Fox. Reached Windsor. Letters from Mr. Eagleson and Mr. Barron *re* charges against former.
- September 29. Wrote to Bishop White and Mr. Ellis *re* obtaining a person to burn and lay brick for the church and academy.



4 GEORGE V., A. 1914

1789.  
September 30.

Messrs. Shreve, Twining and Eagleson arrived. An alteration decided on in the site of the new church.

October 1.

Enquiry into Mr. Eagleson's case held at Mr. Franklin's: Messrs. Ellis, Shreve, Twining and Inglis present. It was urged that humanity should be shown to Mr. Eagleson's family: replied that this must not be at the expense of the Church of God. Mr. Eagleson denied the charges of intemperance, except in one instance, and neglect of duty: alleged ability to vindicate his character. Mr. Eagleson suspended till the third Wednesday in June, 1790, when he should produce his defence at Cumberland.

October 2.

Went with Governor Parr to the forks of the river, to determine the site of a bridge. Dined with Judge Deschamps.

October 3.

Visited the Academy with Gov. Parr, Gov. Wentworth and others. The students acquitted themselves well. Mr. Van Norden disliked by some because of his Dutch accent, but he is competent. Dined with Mr. Clarke.

October 4.  
Sunday.

Preached. Stood sponsor to Mr. Inglis' son, Charles.

October 5.

Proceeded to Halifax, dining with Mr. Johnson on the way.

October 8.

Oliver Arnold came from Sussex Vale, New Brunswick, where he receives £25 per annum from the Society for Promoting Christianity among the Indians, to receive Holy Orders. Deferred action until he should be better prepared, and until more information should be received as to conditions in New Brunswick.

October 9.

Wrote to Lord Hood asking *re* fund for supplying seamen of the Navy with books, and as to appointment of a resident Chaplain at Halifax.

"No. 1—NOVA SCOTIA.—1790."

1790.  
May 30.  
Sunday.

Preached in St. Paul's. Chief Justice Strange, lately arrived from England attended.

May 31.

Proceeded to Windsor.

June 1.

Visited the Academy with Mr. Blowers. Mr. Inglis resigned Presidency, and Mr. Cochrane was invested. Condition of the new church building.

June 2.

Proceeded to Horton, where Quarter Sessions sat. Gave Mr. Belcher the commission for the rector and churchwardens of St. John's Church, Cornwallis, to hold the school lands: had much trouble to rectify the error by which these had got into the hands of fanatics and improper persons. Proceeded to Mrs. Willoughby's.

June 3.

Proceeded to Aylesford. Description of St. Mary's Church, which is nearly completed. Dined at Mr. Buskirk's; learned a lot assigned to him (the Bishop) was the property of others. Slept at Mr. Walker's.

June 4.

Examined his property. Slept at Major Bayard's.

June 5.

Conferred with Major Bayard and Mr. Ruggles *re* new church at Wilmot. Slept at Mr. Buskirk's.

June 6,  
Sunday.

Preached at St. Mary's Church to about 150 people.

June 7.

Drew up directions for Mr. Inglis in his new mission. Talked with Mr. Hugh Morrison about purchasing lots from him. Visited land purchased from Capt. Terry. Learned from Mr. Twining that Col. Burbidge was engaged at the giving of the school lands in trust to the missionary and churchwardens. by which it was intended to



## SESSIONAL PAPER No. 29b

1790. prevent their being perverted, and enable the Society's schoolmaster, Mr. Fose [*sic*] to reduce his rates: Col. Burbidge declared this a violation of the rights of the people; that if there were ever so many religions each was entitled to a share of those lots; that he would support the tenant in a suit if evicted, and would withdraw from and oppose the Church of England. Mr. Belcher showed release of his land from Capt. Terry.
- June 9. Dined with Col. Burbidge, who behaved with kindness and hospitality. No mention of school lands. His behaviour the more extraordinary because the inhabitants in general, except a few fanatical New Lights, acquiesced in the late measure.
- June 10. Saw Mr. Huston about his land [which apparently the Bishop wished to purchase]. Crossed by boat from Cornwallis to Parrsborough. Met Mr. Shreve, and went to see the new church. Saw Mrs. Moore (wife of Capt Th. Wm. Moore) at the new house he built: the family in great distress. Mr. Eagleson persists in asserting his innocence and defying his parishioners; he got drunk on coming to Parrsborough after the scrutiny last year.
- June 11. Proceed with Mr. Shreve and Mr. Twining to Col. Barron's, 36 miles. Injured on the road by fall of his horse. Inhabitants of Amherst have subscribed over £50 for a church.
- June 12. Crossed ferry at Col. Barron's and proceeded to Amherst and to Westmorland. Lodged at Col. Law's. Viewed Fort Cumberland. About 200,000 acres of diked lands in Cumberland and Westmorland. All agree that Mr. Eagleson is addicted to intemperance, but some deny that he neglects his duty.
- June 13, Sunday. Services in the Court House: the audience very crowded. Saw the Rev. James Jones, ordained deacon in 1778, who claimed to have been curate in Radnorshire. Mr. Owen had encouraged him to come to Campo Bello, but would do nothing for him. Cannot do anything for him, as he is not known to the Society and has brought no testimonials.
- June 14. Cited Mr. Eagleson to appear at the Court House to offer his defence. Wrote to seven principal inhabitants, all Church people except Justice Gay—who, however, attends church regularly—and all friendly to Mr. Eagleson, to attend and give evidence. Judged it more prudent to *request their attendance* than to *summon* them.
- June 15. Crossed the marsh to Westcoke, where Messrs. Botsford and Millidge reside; rode to the middle village. Tantramar is further north, 6 miles from Westcoke. In Sackville township are 75 families, several among them Methodists and New Lights.
- June 16. Attended at the Court House to receive Mr. Eagleson's defence. He said he had nothing but his own denial. He seemed to pay little regard to truth or consistency, and his faculties were evidently impaired by intemperance. Dined with Mr. Chandler: further reports of Mr. Eagleson's intemperance and untruthfulness.
- June 17. Examined nine witnesses, who confirmed the charge of intemperance, and, most of them, of neglect of duty; also of profane and improper language when intoxicated. His cross examinations did him no good.
- June 18. Wrote to Mr. Eagleson, continuing his suspension and removing him entirely from the mission. Messrs. Shreve and Twining agreed in this. Walked to see an orchard, the only one in these parts. Appli-



4 GEORGE V., A. 1914

1790. cations here and at Amherst for a salary for schoolmasters. A good school lot at Westmorland, none at Amherst.
- June 19. Went to Mr. Freeman's. Has recommended a union of the inhabitants of Westmorland and Amherst in building a church at Fort Lawrence, or near a new abbatis thrown across the "Muska-quash."
- June 20. Services by himself, Mr. Shreve and Mr. Jones: the Court House crowded. Mr. Black, the Methodist, exhibited to a few people at night, and used some improper expressions: Sheriff Baker is become a zealous Methodist, having been terrified by a Mr. Man when in a fit of sickness. The condition of two lots in Amherst, one for a glebe, the other claimed by the Presbyterians. Advised improvement, and that, if Presbyterians have no legal claim, the other be assigned for a school. The Society should allow £10 for two schoolmasters at Westmorland and Amherst.
- June 21. Went to Col. Barron's.
- June 22. Proceeded to Partridge Island. Lodged at Mr. Shreve's.
- June 23. Description of Partridge Island and surrounding country. Went to Mount Pleasant, the farm of Col. Cole. Received a piece of virgin copper, found at "Cape D'Ore," where there is a rich copper mine. The inhabitants of Parrsborough require additional aid to finish their church. Will mention this to Gov. Parr; also remind him to appoint Col. Cole a magistrate, as he had proposed.
- June 24. On this, the anniversary of John Baptist, had prayer in a small garret which is used for a church. Went by boat to Cornwallis. Slept at Mr. Whedon's. A schooner belonging to Major Crane, commanded by Capt. Merrick, is landing casks, &c., at Partridge Island. Smuggling is carried on in open day, without disguise.
- June 25. Went to Col. Burbidge. He discussed the school lot: said that by giving the lot to one denomination, others lost their right; that the people thought themselves entitled to redress; that it was feared the lot would hereafter be appropriated to members of the Church; and much to the same purpose. Replied that he should not use words without ideas; that a lot for a school had been reserved by the Crown, from which the public had hitherto derived no benefit; that the design now was to confer that benefit by having Mr. Fox teach 12 children gratis and lower the tuition to others; that it was his duty as the first magistrate to suppress seditious language and remove groundless prejudice; that Church people were above such illiberal conduct as was imputed. What year of our Lord did it happen that Dissenters became fit, and Churchmen unfit, to be trusted with authority and power? After much altercation, told him the Trustees might give the produce to one or more schoolmasters, as they saw fit, provided these were licensed by the Governor. Col. Burbidge appears to be courting favour with the Dissenters, and probably his faculties are impaired by age. Gave him several hints of his duty to promote peace and suppress imaginary discontents.
- June 26. Proceeded to Windsor with Mr. Campbell. On the way saw Mr. Belcher *re* land about to be purchased from Capt. Terry.
- June 27,  
Sunday. Rain. Preached to a thin congregation. The new church, named Christ Church by the Archbishop of Canterbury, raised and boarded: it has cost nearly £400, and is the greatest effort yet made in Nova Scotia in building churches. Government assistance will be needed to finish it.



## SESSIONAL PAPER No. 29b

1790.  
June 28. Description of the new church; several rectifications to be made in its construction.
- June 29. Plans for enclosing the college lot.  
Received information that Capt. Terry has signed the deed for the 1500 acres bought from him in Aylesford; the purchase money, £40, to be paid to Messrs. William and Lyon at Halifax. Wrote to Mr. Walker to have it surveyed by Major Millidge. Conferred with Mrs. Bisset about her son at the Academy, where he might be qualified for the ministry. The Rev. Mr. Peter's, her agent in England, advised her to send him to Yale College, or the Seminary at Providence, at which she was indignant. Dined with Capt. Story at the Fort.
- June 30. Went to view the newly discovered quarry. Came back through the woods to Emerson's Mill.
- July 1. Returned to Halifax.
- July 22. Embarked on the *Dido* frigate, Capt. Buller, for Shelburne.
- July 23. Off Liverpool in the morning. In the evening when off Shelburne a thick fog set in.
- July 24. Fog continued.
- July 25. Fog continued. Held services. Carried near Cape Sable by a current.
- July 26. Entered Shelburne. Mr. Rowland and Mr. Wilkins came on board. Visited the new church, just finished: 64 feet by 42. Dined with Capt. Buller; lodged with Major Skinner.
- July 27. Much indisposed.
- July 28. Received address from Mr. Rowland (Dr. Walter is at Boston) and the churchwardens and vestries of the two parishes. Received the following information from Dr. Walter's son: Shelburne to Barrington 22 miles, no road; 120 families in Barrington township, of whom 60 reside at the harbour; the people much led away by Methodists and New Lights; Barrington to Argyle 22 miles, no road; 60 to 70 English families in Argyle township, besides 40 Acadians who are occasionally visited by a priest; the largest settlement is at Franklin, on the head of the Tusket river, where are 20 families, chiefly Loyalists; the Methodists have not been here; Argyle to Yarmouth 10 miles, a tolerable horse road; Yarmouth a flourishing settlement, from 150 to 200 families, chiefly Dissenters; they have erected a meeting house, and expect a minister from New England; they have been visited by Methodists and New Lights. Number of families professing the Church of England: at Barrington 6, at Argyle about 20, at Yarmouth about 12; Argyle the most eligible situation for a clergyman.
- July 29. Drew up order of consecration of the new church, after the form drawn up by Convocation in 1712, and printed in Wilkins' *Concilia*, Vol. IV.
- July 30. Consecrated the new church with due solemnity. This the first church that has been regularly consecrated in British America. Dined at the British Tavern with the churchwardens and vestry, Capt. Buller, Col. Whyte, and Mr. Inglis.
- July 31. Baptized 7 adults and 3 children: one the son of Mr. Rowland, named Charles Nova Scotia. Dined with Mrs. Humphreys.
- August 1. Preached to a very large and decent congregation. Administered the Sacrament to about 70 communicants. Confirmed 284 persons.  
Sunday.



4 GEORGE V., A. 1914

- 17 0.  
August 2. Rode to Mr. Monspiel's place, 4 miles on Jordan River. Engaged passage to Halifax on schooner *Charlotte*, 30 tons. Capt. Jenkins.
- August 3. Rode 4 miles up the Roseway. Dined at Major Skinner's. Received from the churchwardens a statement as to population of the town of Shelburne: Taxable 605, untaxed families 100; total 3525 souls; taxable families in Shelburne and vicinity professing Church of England 202, bachelors 50, which may amount to 1202 souls; total number of children in town of Shelburne 771; those attending the 12 schools number 257; the parents of the others cannot afford to send them.
- August 4. Called on Col. Whyte at the Barracks. Col. Bluck stated he had 44 black children in his school; total blacks at Birchtown 350, and in Shelburne township 1,162; many industrious, and all such lived comfortably; Gov. Parr had promised them clothing, but it had not been received. Embarked. Uncomfortable berth.
- August 5. A thick fog. Was excessively sick.
- August 6. Fog continues. Still sick. By good fortune made the Harbour of Halifax.
- August 12. Embarked for Lunenburg on the *Thisbe*, Capt. George.
- August 13. Ill with gout. Almost calm, and little progress.
- August 14. Reached Lunenburg. Mr. Money came on board.
- August 15. Went ashore to Capt. Shoals' house. Visited by Mr. Schmisers, the Lutheran minister, and Mr. Brown, the Calvinist, who said they and their congregations would come to his sermon. Preached to a very crowded audience on Confirmation. In the evening Mr. Money catechised 16 children.
- Sunday.
- August 16. Much violent party spirit in Lunenburg, and Mr. Money unpopular with some. Objections to Mr. Money are warmth of temper and some unguarded expressions; to the congregation, spirit of party, expectation of too much subserviency in Mr. Money, and a parsimonious disposition.
- August 17. Had warm altercation with Capt. Shoals about Mr. Money. Shoals a warm, but very honest, blunt man. Told him if they would accept advice, matters would be settled satisfactorily; the removal of Mr. Money would endanger the mission, as the Society had received bad impressions of it. Rode to see the glebe, a valuable tract, and a couple of miles on the N. W. road, where are many well cultivated farms.
- August 18. Confirmed upwards of 30 persons. A Vestry held, at which Mr. Money said a combination had been formed against him, and called on the Vestry to charge him, if they could, with neglect of duty. None of them did so. The charges are not of neglect of duty, but of want of temper, abusive language, intermeddling in private affairs, intemperance, and not paying due regard to Sunday.
- August 19. Received address from churchwardens and vestry, and returned an answer. Discussed the state of the Church. One of the Vestry, whose language is French, asked if they could not have a French schoolmaster. Replied, not from the Society; that he would not consult the interests of his children if, instead of English, the language of the country, he taught them French, which few understood and none cared for. This shows their attachment to their language and customs, strengthened by giving them a French schoolmaster so long.



## SESSIONAL PAPER No. 29b

1790.  
August 20. Extremely ill this day, and on 21st. Unable to accept invitation of Col. Creighton to dine. Urged on Mr. Wollenhaupt, the two Churchwardens, Messrs. Creighton and Rudolf, and Mr. Jassen, the necessity of repairing the church, securing the payment of Mr. Money's house rent, and his 15 cords of wood. Much backwardness on both points with some.
- August 22. Sunday. Unable to go to Church.
- August 23. Wrote to the Vestry, proposing that people make good their engagement to Mr. Money for fuel, secure the payment of his house rent (as difficulties arose about the method of collecting, proposed they should build a parsonage house, to which all might contribute as they were able), and repair the church (offered 5 guineas to assist). The vestry promised to do this.
- August 24. Health better. No conveyance for Halifax.
- August 25. Had much conversation with Col. Creighton, Messrs. Jassen, James, and others, *re* repairs of church.
- August 26. Embarked and returned to Halifax.

## "BOOK FOR 1791."

1791.  
July 28. Set out for Windsor, though scarcely recovered from a late indisposition, which is described. "I was twice bled and lost about 24 oz. of blood." Reached Mr. O'Brien's (formerly Johnson's). The road is being improved.
- July 29. Kept awake by fleas. Breakfast at Woodworth's. Reached the Academy. Progress of work on the foundation of the College.
- July 30. Condition of the College fence, being built by Mr. Rigby. Went to see the Martlake House, which is being repaired.
- July 31. Sunday. Went to Newport with Mr. Cochran: the passage of the River St. Croix not difficult, Mr. Ellis's representations to the contrary. Preached in Mrs. Day's barn to about 100 people. The Church of England has declined and the Methodists gained ground chiefly through Mr. Ellis's neglect and unclerical behaviour.
- August 1. Examined the walls of the College building. Conferred with Mr. Ellis on the state of his mission: his disrespectful neglect in not attending the visitation, or even writing; his abandoning Newport and Falmouth and neglect of duties at Windsor; his offensive behaviour; and the necessity of something being done speedily. Assured him that these remarks were based not on the reports of his enemies but on manifest facts. He hinted at resigning. Went to see Mr. Van Winkle regarding his baptism.
- August 2. Breakfasted with Mr. Tonge at Winckworth; his quarry does not promise well; description of his house. Description of property at Winckworth which had been thought of for a bishop's residence. Proposed to Judge Deschamps that £30 or £40 should be raised for a clergyman to succeed Mr. Ellis, when he resigned.
- August 3. Went to Falmouth to visit his Aunt Morrison, now in her 87th year. Desired Mr. Cochran to officiate at Falmouth and Newport as often as convenient, since the people were so fond of him.
- August 4. Held the quarterly examinations of the students at the Academy; they acquitted themselves tolerably well. After dinner laid one of the corner-stones of the College in the presence of a great concourse of people.



4 GEORGE V., A. 1914

1791.  
August 5. Called on the Chief Justice at Judge Deschamps' and on Mrs. Dight at Mrs. Franklin's. Proceeded to Fowler's at Horton and thence to Hedman's.
- August 6. Proceeded—stopping at Major Cortland's and Mr. Buskirk's—to Clarmont. Condition of his property there.
- August 7.  
Sunday. Preached at Aylesford to about 60 people. Mr. Wiswall very feeble. He talked of giving up Aylesford, and was told he must give up the whole mission then. An enthusiastic sect of Anabaptists, called New Lights, are very active here.
- August 8. Examined his property at Clarmont. Description of it, and of the condition of the improvements which are being made by Messrs. Buskirk and Kelley.
- August 9. Business relations with his tenants and other affairs concerning his property.
- August 10. Further business matters of similar character.
- August 11. Examined the new road on his property. Description of the condition of the lots of the following tenants: John McAllister, Robert Wetherby, John McAuley, Ezra Brown.
- August 12. Dined with Mr. Wiswall: saw Mr. J. Ruggles and wife.
- August 13. Further arrangements for the improvement of his property. Settled matters with the tenants to their satisfaction. Signed a lease to Moses Davis.
- August 14. Held services at the church at Wilmot for first time.
- August 15. Further arrangements for improvements on his property. Went to see St. Mary's Church; the reports of its bad condition seemed groundless, though some defects have appeared.
- August 16. Visited tenants whose lots he had not yet seen. Describes those of Sam Brown (a negro), Robinson, and Moses Davis. His son John has arrived from Windsor.
- August 17. Business settlement with Mr. Walker. Arrangements for plowing on his property. Received a letter from the Rev. Mr. Cochran that he preached in Newport on the 14<sup>th</sup> and administered the Sacrament to 25 communicants.
- August 18. Further arrangements for improvements on his property at Claremont.
- August 19. Set out for Granville, going to Mr. St. Croix and to Mr. Inglis. This mission much infested with Methodists and New Light teachers. A woman of bad character, Sarah Bencraft, prophesied that George Morrison, who had left the New Lights, would be carried off by the Devil last Monday.
- August 20. Called on Capt. Howe and Mr. John Morrison.
- August 21. Consecrated Christ Church before the largest concourse of people ever known here. Mr. Bailey of Annapolis assisted. Mr. Inglis inducted by the churchwardens, Joshua St. Croix and Josiah Dodge.
- August 22. Met Capt. and Mrs. Howe, and Mr. Dodge. Latter seems a regular church member.
- Wrote to Mr. Cooke *re* ecclesiastical matters. Wrote informing Mr. Arnold of £25 donation from the Society.
- August 23. Mr. Chesley called *re* a controversy about church pews. Mr. Turner and Major Millidge called. At Capt. Howe's saw the Hessian fly in chrysalis state; Capt. Howe's remedy for it.
- August 24. Viewed the middle and lower churches of Granville: condition of the buildings. The progress of the lower church chiefly owing to the exertions of Messrs. Thorne and his sons, Cornwall, Colman and



## SESSIONAL PAPER No. 29b

1791.      Dodney. The people are much pleased with Mr. Inglis. Heard much of the Prophetess Sarah Bencraft, who lives at a Capt. Shaw's. Rode to the top of the North Mountain: describes the prospect. Gave a certificate for the first payment from the Government allowance to the new church. Its dimensions are 40 feet long exclusive of chancel and steeple, 30 feet wide, and 16 feet post.
- August 25.      Messrs. Thorne, Cornwall and other Loyalists are in a flourishing state. Saw George Morrison *re* sale of his land at Aylesford. Called on Messrs. Millidge, James and Benson.
- August 26.      Wrote to Mr. Blowers to insert an advertisement in the newspapers for a carpenter to undertake the College.
- August 27.      Rode to the middle church to arrange for services next day. Saw J. Morrison regarding an exchange of land with G. Morrison at Aylesford. Messrs. Dodge and Chesley called *re* pew dispute.
- August 28.      Preached in the middle church. Administered the Sacrament to 35 communicants and confirmed about 50 persons.
- August 29.      Capt. Moody called and said that the church at Sissiboo was raised and partly covered in.
- August 30.      Heard a dispute *re* pews between the churchwardens, Messrs. Dodge and St. Croix, on the one side and Messrs. Chesley and Clarke on the other. Recommended peace, and reserved decision.
- August 31.      Proceeded to Major Millidge's. Met Mr. Viets of Digby: the people there very desirous of having their church consecrated.
- September 1.      Arrangements made with Major Millidge *re* certain work on his (the Bishop's) lands at Aylesford. Was informed by Mr. Viets that Peters had induced him to sign a petition to have the latter appointed Bishop of Nova Scotia, for which he was now sorry, and that Peters had unsuccessfully solicited him and the other clergy to sign a paper disapproving of the appointment of Bishop Inglis.
- September 2.      Went to Annapolis. Mr. Seabury appeared shy, as if conscious of encouraging the Methodists too much.
- September 3.      Dined at Mr. Seabury's; perceived Mrs. Seabury to be much attached to the Methodists. Viewed the church: certain alterations should be made in it.
- September 4.      Consecrated the church, called St. Luke's, before a prodigious congregation. Administered the Sacrament to 40 communicants. The band of the 4th Regiment assisted.
- September 5.      Pointed out to Messrs. Seabury and Dickson the expediency of alterations in the church. Advised Mr. Bailey to visit his congregation more. Dined with Major Barclay.
- September 6.      Received letters from the Archbishop of Canterbury, brought over by Mr. Stanser, the intended Rector of Halifax, who arrived there on the *Sphinx* frigate. Received a letter from Dr. Brown, Dissenting Minister of Halifax, *re* his going to Europe and applying for a salary from Government. Mr. Robert Addison is appointed missionary at Niagara. Wrote to Col. Butler on this subject. Dined with Mr. Trotter. Examined Mr. MacNamara's scholars, 38 in number.
- September 7.      Confirmed 123 persons: one was 91 years of age; several had followed the New Lights and Methodists. Hopes that these sectaries, who were become audacious, will be checked. Dined at Mr. Burckett's. Embarked with Capt. Thorne for Digby.
- September 8.      Reached Digby with Mr. Inglis, Capt. Thorne and Mr. Dudney. Viewed the church, the shell of which is completed; it is one of the best in the province. Lodged at Mr. Ray's.



4 GEORGE V., A. 1914

1791.  
September 9.  
September 10.

A ship of 270 tons is nearly finished here. The party spirit, formerly so violent, is entirely subsided. Dined at Mr. Bonnel's.

Received address from Free Masons. Visited Mr. Foreman's school consisting of nearly 40 scholars. Rode to the Negro Settlement, where are about 60 families. Jos. Leonard, who wished to be ordained, had taken upon himself to baptise and administer the Sacrament. Neither he nor the blacks came after to church, and seemed to want to be entirely independent from the whites. Reproved him for his presumption, and admonished him to confine himself to his proper duty of instructing the children. Rode over the glebe, which is disputed by the heirs of Col. Barton. Dined with Col. Hatfield. Rode to the Gut, to the new Scotch Settlements.

September 11.  
Sunday.

Consecrated Trinity Church. Administered the Sacrament to 30 whites and 25 blacks; confirmed 35 whites and 25 blacks. Capt. Beeler of "the Wilderers" in Clements complained that the German children had no benefit from Mr. Casey's school. Desired Mr. Viets to have the school fixed in a central situation.

September 12.  
September 13.

Embarked with Col. Hatfield and reached Major Millidge's.

Proceeded to Mr. Inglis's and to Capt. St. Croix's. The latter "strongly tinctured with Methodism." Mr. Dodge called and said many of the church people wished that the Methodists be allowed to preach in Christ Church. Expressed astonishment at a proposal which could originate only from the profoundest ignorance of the constitution and state of the Church of England. Declared willingness to indulge the congregation in every thing within his power, but in this his duty to religion necessitated an absolute refusal. Remarkd on the unsteadiness of people who, after applying for a regular clergyman, were now carried away with new fangled notions. Much disgusted with Dodge and St. Croix: the latter appeared wild, dark and dissatisfied." Proceeded to Mr. Walker's, calling at Mr. Wiswall's and Capt. Ruggles.

September 17.  
September 18.  
Sunday.  
September 19.

Went to Clarmont, and to Mr. Morden's; saw Mr. Stanser.

Preached at St. Mary's Church, Aylesford, to a large congregation. Mr. Stanser read prayers.

Consented that Mr. Reynolds should act as clerk and schoolmaster until a man should arrive from England to take those positions. Visited property at Clarmont and ascended the mountain: description given.

September 20.  
September 21.

Visited his property again.

Set out with Mr. Inglis and Messrs. Rob. and Alex. Walker on the new road to the top of the Mountain and thence to the Bay of Fundy. Description.

September 22.

Met Chief Justice Strange. Communicated plan of purchasing G. Deschamps' lot for an episcopal seat, and soliciting the Society to build a house.

September 23.

Proceeded to Cornwallis after adjusting matters with Mr. Walker and others *re* work done or to be done. Lodged with Col. Burbidge.

September 24.

Dined with Mr. Twining; drank tea with Mr. Belcher.

September 25.  
Sunday.

Confirmed 24 persons.

September 26.

Proceeded to Windsor. Agreed with Daniel Dugan to settle at Clarmont.

September 27.

Returned to Halifax in excellent health.

Reproduces the legend placed in the foundation of King's College, Windsor.



## SESSIONAL PAPER No. 29b

1792.  
 April 30. Proceeded to Windsor, stopping at Dobson's and Woodworth's on the road. Went to view the college walls, which had been represented as badly built: the front wall inclined in, probably because of insecure foundation.
- May 1. Wrote recommending the rebuilding of the foundation in front, which would be necessary if the superstructure was to be of stone, which would be cheaper than wood. Anderson, the mason, was to adjust matters with the Governors.
- May 2. Set out for Aylesford. Left a coach horse with James Duncan at Gaspereau River, who is a regular farrier, the best in the province.
- May 3. Visited his property of Clarmont. Account of the work done by Dugan, who has been very industrious.
- May 4. Heard an altercation between Mr. Walker and Nathan Bowen *re* a bridge and causeway on his (the Bishop's) property, undertaken by John Kelly, who absconded.
- May 5. Viewed William Laver's clearing at Queensdale. Examined Benedict's intervale as to the feasibility of draining a marsh by altering the course of two brooks.
- May 6.  
 Sunday. Preached to a small congregation. Spoke to the people about erecting a school house.

## "NOVA SCOTIA AND NEW BRUNSWICK.—1792.—No. 1."

- June 28. Set out for Windsor with his daughters Margaret and Anne. Dined at Dobson's and lodged at O'Briens.
- June 29. Proceeded to Judge Deschamps, breakfasting at Woodworth's on the way.
- June 30. Work of rebuilding the front wall of the College is being carried out. Dined with the Agricultural Society at Mr. Hammill's. Mr. Dight had refused to subscribe to the church because of a false report that the Bishop had declared it would become the property of the rector. Mr. Dight made the unreasonable demand that his pew should be forever exempt from any tax. Investigation held into complaints of Mr. Cochran's boarders, Rowland, Thomas and Joseph Cochran and the Bishop's son, that the board was unsatisfactory.
- July 1.  
 Sunday. Services held. Mr. Ellis and Mr. Cochran ill.
- July 2. Told Anderson (the mason) would order a gondola of sand which he required, but as to his going on with the building could say nothing. Crossed the ferry, dined at Fowler's in Horton, and proceeded to Steadman's.
- July 3. Proceeded to Clarmont, stopping on the way at Major Cortland's, Mr. Morden's and Buskirk's. Viewed the intervale on his property: much of it planted; a beautiful piece of ground.
- July 4. Hears of discontent with Mr. Wiswall on account of failure to keep engagements.
- July 5. Went through intervale at Clarmont to fix on place for archard. Everything satisfactory. Dined at Buskirk's; slept at Mr. Walker's.
- July 6 and 7.  
 Sunday. Busy with his own affairs.
- July 9. Preached at Aylesford. Dined at Mr. Walker's.
- July 10. Set out for Annapolis. Reached Granville. Fine rain, which will probably save the crops. Lodged at Mr. Inglis'.
- Reached Annapolis, after some business, set out with Mr. Durkit in his boat for Digby, which he reached about 9. Lodged at Mr. Ray's.



4 GEORGE V., A. 1914

- July 11. 1792. Was kindly received at Digby. As packet could not sail for St. John for want of wind, he devoted the day to business. Gave his attention among other matters to a small matter connected with the church at Digby.
- July 12. After a day's business, set out for St. John on packet at 7 p.m. Slept in his clothes.
- July 13. Owing to calm and fog, did not sight land till night. Another night on board.
- July 14. Landed at St. John, and arrived at Mr. Elm's at 5 a.m. Dr. Byles reports his congregation flourishing, the communicants amounting to 80. Went to see the church, the corner stone of which he laid in 1788. It is a neat large building almost finished. Colonel Winslow from Fredericton told him that Mr. James, who desired Ordinance, had taken possession of a lot in Maugerville, and had had a dispute with some Dissenters who claimed it. Dr. Byles reported that the Glebe attached to his church was good for nothing, and that two lots assigned to the church on which a parsonage had been built, had been taken by the Corporation under their charter.
- July 15. Preached at both services to a numerous and respectable congregation, which reminded him of New York. Is on whole well pleased with appearance of the church, which he describes.
- July 16. He notes that the shipping of St. John is much increased. 132 sail of shipping belong to the city of which 120 are square rigged, and about 40 are ships; nearly all built in the Province. 30 square rigged vessels on stocks.
- July 17. Set out for Fredericton. Arranged with Mr. Scovil to meet him at Indian House, and gave him his directions for services. At a house about half way up the Long Reach heard complaints about Mr. Scovil's negligence, and the officiousness of the Methodists. Reached Roger's tavern at Belle Isle Bay 33 miles from town. Saw evidence of increase of population and better culture since he was there in 1788.
- July 18. Set out at 5 a.m. Inspected church at Grimmercross or Gagetown. Made enquiries as to financial and other matters. Church is neat and well finished. Reached Mr. Louder's at Sheffield where he lodged.
- July 19. Rode to Maugerville. Beautiful country for 20 miles or more. Banks look like continuous village, reminding him of St. Lawrence. On both sides are lines of houses scarcely more than 40 perches asunder. Proceeded to Mr. Beardsley's where he met Judge Hibbard, Sheriff De Webber and Dr. Clarke. Here he heard that a man who was executed at Litchfield, Connecticut, and who was formerly a soldier in the Rebel Army, had confessed to being the murderer of Mr. Avery, the Society's agent at Rye, in 1776. Spent the night with Mr. Cooke, 2½ miles above Fredericton.
- July 20. Had a conference with Captain French and Captain McLean of Nashwaak, concerning the establishment of a mission there. Settlement contains 80 families, stretched 23 miles along the Nashwaak. Crossed the river to Fredericton, and called on Governor Carleton, who was very kind. Inspected the church, which was in about same state as in 1788. There have been some architectural mistakes in connection with the building of it.
- July 21. Rode out about 5 miles to view the country; came to a new settlement of 5 families. The principal settler is Mr. Read, a former ten-



## SESSIONAL PAPER No. 29b

1791. ant of the Bishop's in New York. Lodged with Mr. Jarvis in Fredericton.
- July 22. Preached to large congregation on Confirmation. Prepared some prayers for the Lieutenant Governor, to be used by clergy. They are those used by Lord Lieutenant in Ireland; also, adapted the prayer of Parliament for the Legislature. He proposes to have the same used in the four Provinces under his jurisdiction.
- July 23. Arranged matters regarding the mission at Nashwaak which were in some confusion. Had some conversation with Governor Carleton respecting church affairs at Maugerville. Mr. James is meeting with some opposition from his former congregation who are a set of wild enthusiastic people, who objected strongly to his joining the Church of England.
- July 24. Had conversation with Mr. Odell and the Governor respecting glebes. They pointed out the difficulties of making proper reservations for the Church in the hurry of settling a new government and satisfying claimants for land.
- July 25. Transcribed a memorial to Governor respecting glebes.
- July 26. Visited the Nashwaak Settlement with Majors Price and Jarvis. The settlement is flourishing for its age. The lower part is occupied chiefly by half pay officers, the upper by disbanded soldiers of 42nd Regiment. Mr. Clarke of Gagetown called upon him and gave him an account of affairs in connection with his church. There had been several schoolmasters at Gagetown, but they had successively left.
- July 27. Busy about memorials to the Governor. The King's mandamus for Maugerville, which Mr. Odell showed him, is of the usual sort. It grants 12 miles square, to be divided into 200 lots, and reserves one lot for the Church, and another for the school. The present Dissenters are not as numerous as those who first settled. They say they have been in possession for 29 years. The settlement was made in 1763, about 62 settlers seated themselves.
- July 28. Transcribed memorial concerning prayers for Lieutenant Governor and Legislature. Discussed lot at Sheffield with Chief Justice, who thinks matter is one for courts. The Bishop complained that glebe lands were generally bad, which he imputed to necessity, and to the grants made before the separation of the Provinces.
- July 29. Preached, and confirmed 82 persons. Dined with Governor to whom he presented the memorials. Discussed glebes, and said he would not consent to establish a missionary where a proper glebe was not provided. Governor sympathetic.
- July 30. Prepared to set out for Maugerville on way to St. John. Declared his intention to have the clergy secure good glebes, and asked the assistance of his friend. Proceeded by water to Mr. Beardsley's at Maugerville where he spent the night.
- July 31. Visited the church at Maugerville, which is tolerably satisfactory. The parishes of Woodstock and Northampton contain 150 families; the parish of Prince William 98 families; and that of Queensborough 140 families. Mr. Dibblee, from whom the Bishop had this information respecting the Indians, in these parishes. He is learning their language, in order that he may reach them more nearly. He has acted for some time as Superintendent of these Indians. His nephew, Ralph Dibblee, is the schoolmaster.



4 GEORGE V., A. 1914

1791.  
August 1. Consecrated Christ Church, Maugerville. Numerous congregation, notwithstanding heavy rain. 123 persons confirmed, and Communion administered to 52 persons. Lodged at Beardsley's.
- August 2. Visited Mr. Say's Indian school. Saw Peter Paul, an Indian, his wife and 5 children. Urged Peter to settle on the land and drop the nomadic life. Peter agreed to and said some others of his people were wearied of that mode of life. The French missionary advised the Indians, if they left the Roman Catholic Church, to join the English Church. Lodged with Col. Gilbert.
- August 3. Vied the Jemseg Passage, which with Grand Lake he found very beautiful. About 100 families are settled on the Lake.
- August 4. Went to view the burnt land, appropriated for a glebe. Soil is pretty good, but timber good for little. Got information respecting glebe at Sheffield. Informed Mr. Clark that unless school house was finished the salary would not be paid.
- August 5. Consecrated St. John's Church (Sheffield). Confirmed 104 persons, and administered Communion to 30.
- August 6. Breakfasted with Col. Ting, 2 miles from Gagetown. Got information from him respecting the school. Dined with Captain Thomas, a Loyalist from New York, who lives opposite Spoon Island. Crossed Belle Isle Bay, turned up the Cove leading to Kingston and reached Mr. Lion's house, where he lodged.
- August 7. On the way to Kingston he met Mr. Scovil. Saw the church at Kingston, which is incompleated, but well built so far as done. Captain Scrogg and Mr. Squires came with a petition from Belle Isle for person to officiate in church built by people of whom there are 142. Lodged at Mr. Scovil's.
- August 8. Consecrated Christ Church (Kingston). Confirmed 202 persons, amongst whom were Reverend Messrs. Scovil and Dibblee, besides clergy. This is more than double the number that ever communicated at one time before. 30 new communicants attended. Discussed matters concerning the parsonage. Messrs. Beardsley and Price arrived, and with them was Mr. James, whom the people at Maugerville desired as pastor. He wished to obtain Holy Orders, but he must be recommended to the Governor by Churchwardens and Vestry. Bishop concluded to defer ordination till they reached St. John.
- August 9. Sent his boat off to St. John with Messrs. Dibblee, Price and James, and set out for Sussexvale with Mr. Cooke. Lodged at Mr. Leonard's, whose place resembles a gentleman's villa in Europe.
- August 10. Walked over Mr. Leonard's grounds, noted a lawn of 100 acres near his house, all under tillage. He has 1200 acres altogether. Visited the school near Mr. Leonard's, opened for the Indians, and was much surprised as well as pleased at the progress shown. Dr. Elkana Morton is the master. Mr. Arnold has superintendency of Indian children.
- August 11. Rode out to see the Glebe, about 3 miles from Mr. Leonard's. It was poor land, and the Bishop refused to appoint a missionary under the circumstances. Mr. Leonard offers 200 acres of very good land, if the Society would appoint a missionary. The people wish Mr. Arnold appointed.
- August 12. Preached in the schoolhouse; good attendance; confirmed 62 persons. On way to church called upon Mr. Morton, the schoolmaster, who is an educated Dissenter and attached to Methodists.



## SESSIONAL PAPER No. 29b

1791. As a result of the conversation, which was at Mr. Morton's request, he was confirmed though his wife was not. Lodged at Mr. Baxter's, 20 miles from Mr. Leonard's.
- August 13. Set out from Mr. Baxter's, and crossed the Kennebecasis, 4 miles below his house. Travelled 14 miles to French Village where he breakfasted with Mr. Pugsley. Set out for St. John, a journey of 14 miles. Lodged at Col. Depeyster's.
- August 14. Routine affairs.
- August 15. Mr. Dibblee was examined for Priest's Orders and acquitted himself tolerably.
- August 16. Began his Visitation. All the clergy of Province attended—9 in all.
- August 17. Had church service. Clergy had conference on glebes. As clergy were satisfied that Mr. James should be admitted to Holy Orders, Bishop thought it would be wise to defer action for 12 months, during which time Mr. James might make himself acquainted with certain books. He would also have to obtain a presentation from Governor and title and testimonial from three clergymen.
- August 18. Mr. Jones arrived from Miramichi, and stated people had complied with Bishop's terms respecting a Missionary. The principal people of St. Andrews desired Mr. Berry as schoolmaster. Respecting the schoolmaster at Campo Bello, St. Stephen and adjacent district. Consecrated Trinity Church and burial ground.
- August 19. Mr. Dibblee made usual subscriptions and took oath of Canonical Obedience. 53 persons confirmed. Mr. Dibblee admitted to Order of Priests. Communion administered to 134 persons. Lodged at Colonel Depeyster's.
- August 20. Took Mr. Cooke's subscriptions and oaths. The draft of a memorial to Governor respecting glebes, produced, amended, and directed to be signed. Visited Col. Ludlow in Carleton.
- August 21. Wrote to Governor Carleton concerning glebes; to the people of Miramichi, that he intended to fix Mr. Jones there. Set sail for Digby. Slept on board vessel.
- August 22. Reached Digby at one o'clock.
- August 23. Embarked for Granville, reaching which he went on to Squire Thorne's where he lodged.
- August 24. Crossed river to meet people of Clements who had opened subscription for church. This amounted to £77. Bishop promised to try and secure some additional funds. Crossed to Annapolis. Stopped at Mr. Burket's.
- August 25. Was shown a letter which put Mr. Weeks in rather a bad light. Met his son, John, as he crossed the ferry.
- August 26. Preached in Mr. Inglis' church, and administered sacrament to 25 persons.
- August 27. Rode to Belle Isle, transacted some business, and lodged with Mr. Inglis.
- August 28. Set out for Aylesford with his son.
- August 29. Went to Clarmont, looked into the work of his ditchers. Lodged with Mr. Walker.
- August 30. Went to Clarmont, and attended to work on his property. Lodged at Mr. Walker's.
- September 1. Mr. Reynold's the schoolmaster called, and in course of conversation related some particulars respecting the New Lights. Married people had made vow of continence; the New Lights ascribed divine



4 GEORGE V., A. 1914

1791. attributes to the Devil believing him to be eternally coexistent with God; they pray for the Devil; deny the resurrection, &c. Went to Clarmont and attended to the work.
- September 2. Preached at Wilmot; pretty good attendance, confirmed 8 persons; the smallness of the number shows ignorant and uncultivated state of inhabitants.
- September 3. Went to the mountain with Ph. Millidge to have the mountain tenants land surveyed; very good crops, oats the best he ever saw. Found Mr. Inglis awaiting him at Mr. Walker's.
- September 4. Mr. Millidge made report of the quantity of land cultivated by the first five tenants of the Bishop. Report is given.
- September 5. His son John Inglis returned to Windsor. He himself had a busy day on his property.
- September 6. Spent day on his property. Thinks badly of the people of Aylesford.
- September 7. Spent day at Clarmont. Some details.
- September 8. Spent day at Clarmont. Some details.
- September 9. Preached in St. Mary's Church to small audience.
- September 10. Spent day at Clarmont. Some details.
- September 11. Spent day at Clarmont. Some details.
- September 12. Spent day at Clarmont. Some details.
- September 13. Spent day at Clarmont. Attended to some writing.
- September 14. Spent day at Bay Shore. Some details.
- September 15. Spent day at Bay Shore. Some details.
- September 16. Read prayers and preached at Aylesford. Congregation small.
- September 17. Rainy day. Attended to some business.
- September 18. Rainy day.
- September 19. Rain abated. He went to Clarmont and attended to some business.
- September 20. Heavy rains; countryside flooded; most of the bridges carried away. Attended to some business.
- September 21. Rain abated; by evening it was clear.
- September 22. Fine day. All bridges have been swept away; the Annapolis rose 12 feet higher than at any time in 20 years; great damage to crops and cattle. Attended to some business.
- September 23. Preached at Aylesford to small congregation.
- September 24. Spent most of day at Clarmont. Went to Elisha De Wolf's where he met Chief Justice Strange and Judge Deschamps.
- September 25. Reached the ferry at Falmouth after much difficulty on account of the ravages of the floods. Crossed the river and took tea with his children at Judge Deschamps.
- September 26. Inspected the new church and the college (at Windsor). Found some things requiring amendment.
- September 27. Wrote to Mr. Shreve concerning the schoolmaster at Parrsborough; also, concerning the interference of Dissenters in choosing churchwardens and vestrymen. Inspected college drains. Rode to Newport to inspect site of intended church for which the inhabitants have subscribed £150. Mr. Cochran has been very diligent here and at Falmouth. Newport, Rawdon and Douglas would be proper place for an itinerant missionary.
- September 28. Received a letter from Mr. Pidgeon, a lieutenant of the 65th, and commanding officer at Fort Cumberland, who desires to enter into Holy Orders. The people of Cumberland strongly recommend him and desire him for missionary. Mr. Leonard of Sussexvale arrived.
- September 29. Paid some visits.



## SESSIONAL PAPER No. 29b

1791.  
September 30.

Held confirmation in new church, 37 persons were confirmed. Sees improvement in Mr. Ellis' manner, which may prevent things from going to extremities.

October 1.

Made his arrangements for departure from Windsor.

October 2.

Set out for Halifax. Reached O'Brien's where he lodged.

October 3.

Reached home in Halifax about 5 in the evening.

Dimensions of Churches at the following places, exclusive of chancel and steeple:—

Fredericton, 72 feet long x 52 feet wide.

Maugerville, 40 feet long x 32 feet wide.

Gagetown, 42 feet long x 30 feet wide.

Kingston, 50 feet long x 38 feet wide.

## BOOK FOR THE YEAR 1798.

As this book is made up almost entirely of entries of two or three lines for each day, giving the state of the weather and occasionally domestic minutiae, it has not seemed that any useful purpose would be served in attempting to summarize it. The details of his Visitation in New Brunswick are set out in the following book.

## NEW BRUNSWICK, 1798.

July 25.

Set out with his daughter Margaret, and his son John for New Brunswick. Lodged with Mrs. Inglis.

July 26.

Set out for Annapolis and Digby, which he reached some time after 4 o'clock.

July 27.

Detained by failure of packet to arrive from Annapolis. Digby continues to flourish. The fisheries have been successful, but the merchants lost most of their boats during the War. He was informed that in May, 1797, 18 Nova Scotia Indians set out for Canada to join the French, who were expected to invade Canada. He was also told of an Indian who said he would receive no present from the King, as the English poisoned everything they gave to the Indians.

July 28.

Embarked at 12.15. Lay aboard all night. All sick.

July 29.

Reached St. John at 11 in the morning. Went to church in the afternoon and heard Dr. Byles.

July 30.

Exchanged several visits. Discussed with Colonel Coffin the opening a mission in parish of Greenwich and Westfield. A valuable tract of 1500 acres to be escheated for a glebe; besides a lot of 100 acres in the centre of the district. Two churches are nearly finished. Inhabitants want young Mr. Scovil as missionary.

July 31.

Attended to some business and paid some visits.

August 1.

Visited Colonel Ludlow in Carleton.

August 2.

Embarked at Indian House for Fredericton at 9 p.m.

August 3.

Reached a point a little above Grimmercross Point

August 4.

Reached a point about 4 miles below Mr. Beardsley's church at Maugerville.

August 5.

A day of rain. Governor Carleton's barge came down the river to meet the party. At 8 p.m. reached Mr. Pidgeon's at Fredericton, where his daughter Mrs. Pidgeon was joyful to receive them.

August 6.

Visited Governor Carleton.



4 GEORGE V., A. 1914

- August 7. Exchanged several visits. Mr. Pidgeon gave him Mr. Price's resignation, with statements of charges against him; also, some papers relative to Mr. Jones.
- August 8. Exchanged visits. Governor Carleton let him have Abbé Barruel's *Memoirs of Jacobinism*, which greatly shocked him.
- September 17. The day fixed for his Visitation. Gives an account of the proceedings. Dealt with the business of Greenwich and Westfield; also discussed propriety of making Mr. Jones a missionary. It was decided to recommend Mr. Jones to the schoolmastership at Kingston. Springfield Parish wanted a schoolmaster.
- August 18. A statement was prepared showing the condition of the several parishes in New Brunswick. He dismissed the attending clergy with whom he is greatly pleased. Fanaticism is much on the decline. The number of New Lights and Methodists is diminished.
- August 19. Though feeble and indisposed he preached to-day.
- August 20. During this week, he visited in the country about Fredericton. The Governor farms largely. He has a great variety of vegetables. Fifteen acres are cleared and under grass. Colonel Beverly Robinson lives opposite Governor Carleton. He, also, farms largely.
- August 24. Spent the day and night with Judge Allen 7 miles up the river.
- August 25. Rode over Savage Island, the property of Judge Allen, and opposite his house. It contains over 200 acres, mostly under grain or mowed. Soil very good. Farming operations considerable. Was struck with the size and abundance of butternut trees in the neighbourhood. Dined with Chief Justice Ludlow.
- August 26. Preached. Mr. Bisset spoke about his admission to Priest's Orders. Was shocked to learn that the charter of the Academy nominated for trustees of the institution, three men and *their heirs*.
- August 27. Called on Governor Carleton, and discussed the absurdity and inconvenience of the arrangement for the trusteeship of the Academy. The Honourable Mr. Bliss stated that if the mission of Nashwaak were removed to Oromocto, he would take Orders. This the Bishop thought impracticable on account of Mr. Bliss's age.
- August 28. Paid visits in the neighbourhood.
- August 29. Prepared for his return to St. John. Mr. Odell gave him several papers relative to Glebes, which were drawn up in 1792. There are reports from Mr. Andrews of St. Andrews, Mr. Beardsley of Maugerville, Mr. Dibblee of Woodstock, Mr. Scovil of Kingston, Dr. Byles of St. John, and Mr. Jones of Miramichi.
- August 30. Dined with Governor Carleton and a large company.
- August 31. Sailed on return voyage at 11 a.m. About sunset dropped anchor at Grimmercross Point.
- September 1. Reached Indian House at one o'clock at night.
- September 2. Was so indisposed as to be unable to preach.
- September 3. Col. Coffin, Mr. Fluelling and young Scovil called. A jury had found a verdict for the escheatment of the land designed for a glebe. Discussed ordination of Scovil, but Bishop refused until glebe was settled. Dined with Col. Ludlow and returned with a violent cold.
- September 4. Much indisposed and feverish.
- September 5. Held confirmation though still suffering, 23 were confirmed. The negroes of St. John applied for a schoolmaster. There are 35 children of teachable age, and as many too young.
- September 6. He is better. Wrote several letters.



## SESSIONAL PAPER No. 29b

- September 7. Col. Coffin declared his intention of buying 100 acres on the Long Reach for a glebe. The Bishop promised, on this being done, to ordain Mr. Scovil.
- September 8. Heavy rain all day. Did not stir out.
- September 9. Preached to crowded audience.
- September 10. Mr. Valentine Peters called to know what would be necessary to obtain Holy Orders. The Bishop told him—as he had often done before—a title and testimonial. Mr. Peters seemed to decline a title from the Society. Embarked for Annapolis with companions, which they reached at 9 the next evening. Put up at Mr. Durkett's.
- September 12. Transacted business in Annapolis. Crossed the river in the evening, and lodged with Mr. Inglis.
- September 13. Set out for Clarmont, which they reached about 5 in the evening. All in perfect health.
- October 16. Dates of various schedules received from London, to be forwarded to William Moore Smith at Philadelphia. These relate to the Bishop's property in the United States, which was forfeited during the War.

## BOOK NEW BRUNSWICK, 1804.

- August 8. Report of his Triennial Visitation which began in the city of St. John.
- Reports were received from Mr. Bisset respecting Maugerville; from Mr. Arnōld respecting his church; from Mr. Scovil respecting the parishes of Hampton, Springfield, the school at Kingston; from Mr. Clarke respecting the parishes of Waterbury, Wickham, and Hampstead. Several New Lights and Methodists are scattered through these last mentioned parishes.

## CAPE BRETON, 1805.

- June 27. Set out from Clarmont with Mr. and Mrs. Inglis and child in one carriage and himself and two Cochran children in another. Slept at Horton.
- June 28. Reached Halfway House, where they lodged.
- June 29. Breakfasted with Sir John and Lady Wentworth at the lodge. Got to Mr. Halliburton's in Halifax about 1 p.m.
- June 30. Preached to large congregation in St. Paul's Church. Here he first saw Dr. Cox, President of King's College, whose appearance was not very clerical.
- July 1. Inspected the government schooner from Cape Breton which had been waiting for him; and chose a berth. Dined at the Bower with Dr. Halliburton.
- July 2. Adverse wind prevented from embarking. Was bled for palpitation of the heart.
- July 3. Embarked with Mr. and Mrs. Inglis on the government schooner, *Marquis Cornwallis*, at 10 a.m.; by daylight had reached White Head, 40 leagues from Halifax.
- July 4. At 11 p.m. anchored near the Coal Mines in Spanish River, about 9 miles from Sydney.
- July 5. Reached Sydney about 11 a.m.; were received hospitably by Major General and Mrs. Despard. Mr. Cossitt with whom he had conversa-



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tion, disclaimed being a party man, and seemed determined to have an investigation.

July 6. Chief Justice Woodfall and Mr. Crawley, Surveyor General, and several others called on him.

July 7. Mr. Inglis read prayers and the Bishop preached. Congregation about 100. Though not large he was assured it was three times greater than the ordinary attendance. Indispensable to remove Mr. Cossitt, who has all the principal people against him. He is constantly attacking them. If he stays the church would probably sink, and the inhabitants would become Methodist, or Papists or Infidels.

July 8. There is a Methodist preacher named Oliphant at the North West Arm, where there is a pretty large settlement. He and his followers usually attend church. He does not baptize, nor administer the Sacrament nor marry. A shoemaker, named Miller, has lately commenced Methodist preacher. At Arichat, a priest named Jamtell is settled. He was made prisoner when St. Pierre and Miquelon were taken 1793. He has made several converts to Popery. General Despard, on hearing this, notified the priest if he continued he would be removed from the Island. This had no effect. There are about 20 families professing the Church of England resident at Arichat, and in the summer many Jersey people resort there for the fisheries. A missionary from Jersey would be acceptable. There are about 400 people in and about Arichat, most of whom are Roman Catholics.

July 9. Mr. Cossitt, as the result of Mr. Inglis's persuasion has agreed to resign, if he could be placed in Nova Scotia or New Brunswick. His resignation has been accepted. He proposes to settle at Parrsborough or some other mission.

July 10. Held a confirmation. 92 persons were confirmed.

July 11. Embarked with General and Mrs. Despard to visit the Bras d'Or Lakes.

July 12. Continued his trip through the lakes, with which he is charmed. Returned to Sydney at 6 p.m.

July 13. A party was made up, which went about 5 miles up Spanish River. Visited Captain Cox who has a very superior farm, and Mr. Ingonville, a Jersey man, who is making great improvements.

July 14. He preached, the attendance, which was large, included two Methodist preachers with their respective hearers. Explained the schism of the Methodists to an enquirer. Mr. Cossitt preached his farewell sermon in the afternoon.

July 15. Discussed with General Despard and the Churchwardens the application made by them for a missionary to replace Mr. Cossitt. The Bishop pointed out the impropriety of calling upon the Society to bear all the expense, and after further conversation, General Despard and the Churchwardens agreed that an Ordinance should be passed by the Governor and Council to tax the inhabitants for the support of their clergyman. He embarked with his party and Mr. Cossitt for Halifax. He describes the coal mining in the vicinity of Sydney. They got no further than Cranberry Head that night.

July 16. Reached Main-à-Dieu (which he spells Manadiou). Landed and held a service. Upwards of 60 persons attended; 5 were baptized. From 1300 to 1400 quintals of cod are annually taken and cured here. A French privateer of 12 guns had been taken by a Jersey privateer, and brought in to Arichat.



## SESSIONAL PAPER No. 29b

- July 17. Was to have had a service at 6 p.m. but was prevented. Reached Louisburg at 4 o'clock. On coming to anchor, they saw the ribs and other parts of two French 74 gun ships, which the French burnt when the place was taken by Wolf. Another 74 gun was sunk in deeper water, and no part of her was visible. After dinner, he went ashore and wandered among the ruins of Louisburg which he describes.
- July 18. Lay at anchor all day, the wind being adverse. Caught some cod and other fish.
- July 19. As the wind was still unfavourable, he landed and preached a sermon to a gathering in Louisburg.
- July 20. Continued their voyage with light wind. By night they had reached Framboise Head.
- July 21. Early this morning they were in sight of Arichat and Cape Canso. At noon had morning service.
- July 22. Early this morning were opposite Beaver Harbour, 60 miles from Halifax. Towards evening they were at Ship Harbour, 27 leagues from Halifax. Here they purchased some supplies.
- July 23. Got no further than Jeddore Harbour, as a storm boded.
- July 24. Reached Devil's Island.
- July 25. Reached Halifax, and got to Mr. Halliburton's at 6 a.m. Found daughter and grandchildren in perfect health.

There is a long diary of a visit in England kept by the Reverend (later Bishop) John Inglis. It commences on the 4<sup>th</sup> July, 1806, and finishes on the 7<sup>th</sup> May, 1807. It is full of interest as a record of travel, but it contains only three or four references to Colonial affairs. It has not been thought necessary to note any but these references.

1807.  
February 13.  
February 24.

Mr. Inglis wrote to Mr. Porter informing him that he had been elected President of King's College.

He went to Dr. Morice's to attend a Committee of the Society which had been appointed to receive information from the Bishop of Quebec, Dr. Stanser and himself. There were present the Bishop of Bath and Wells, Bangor and Bristol, Archdeacon Pott and Mr. Jordan. The Bishop of Quebec gave much interesting information respecting his diocese, dwelling particularly on the encroachments of the Roman Catholics. Mr. Inglis spoke of the poverty of the missionaries, and implored some addition to their salaries; also, the interference of the Society to obtain the Government allowance through their hands. He also asked for some assistance to the churches of the Germans and those at Windsor and Cornwallis, and suggested the founding of 6 scholarships at the College in Nova Scotia for the missionaries. He was hurried and mortified at many objections and rude interruptions from Dr. Morice.

March 20.

He attended a meeting of the Society at the Westminster Library in Castle, when it was agreed that an application should be made to Government to pay the Government allowance for missionaries in Upper Canada, Nova Scotia and New Brunswick into the hands of the Society and that 4 scholarships or exhibitions of £30 per annum should be established by the Society at King's College in Windsor. The Bishop of Nova Scotia is to name the scholars subject to the approval of the Society. It was also agreed that estimates should be forwarded of the probable expense of completing the churches of the Germans at Halifax, and those at Windsor and Cornwallis, with the amount of contribution, which the people would make if the Society



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would assist. The salaries of the missionaries were not increased generally, for fear it would discourage the exertions of the inhabitants. £400 per annum was agreed to be expended for schools in Lower and Upper Canada, and salaries were also promised for 2 missionaries to the Mohawks. It appeared that the Society could afford to make an additional expenditure of £120 per annum.

April 22.

Attended a meeting of the Society, where it was resolved that a memorial should be presented from the Society to Government stating the insufficient support of the Church in the Colonies, and praying for some relief. It was agreed that Mr. Willoughby's labours should be confined to Windsor, that some equivalent should be given him for the glebe at Falmouth and Newport, and that Dr. Cochran should be appointed missionary to those places. But the matter was to be referred to the Bishop of Nova Scotia.

#### YEAR BOOK FOR 1807, 1809, and 1810.

As these year books are of the same character as that for 1798, which has been already described, it has not been thought necessary to summarize them.

#### CATALOGUE OF BOOKS, AND AN ADDRESS TO STUDENTS.

As this section is without a date it is uncertain whether it refers to Bishop Charles Inglis, the first of Nova Scotia, or Bishop John Inglis, the third.

#### INGLIS PAPERS, 1825-1849.

1825.

A list of contributions to churches and schools in the Maritime Provinces between 1826 and 1840.

The letters which follow are written by John Inglis, third Bishop of Nova Scotia.

260 Piccadilly,  
April 11.

To Earl Bathurst. Thanks for appointment of an Archdeacon of Nova Scotia. He had prepared a Commissary Commission for Rev. Aubrey G. Spencer of Bermuda, and hopes that his nominee may have title of Archdeacon, as the other commissaries have.

April 12.

To Revd. G. Best. Forwarding commission to him as Commissary of New Brunswick and giving advice as to relation with clergy. Hopes to have him styled Archdeacon.

April 12.

To Sir Howard Douglas. Sends Mr. Best's commission to Sir Howard. The scheme of uniting the Colleges at Windsor and Halifax has failed owing to objections of Archbishop of Canterbury. Is working for interests of King's College; hopes to make it useful to New Brunswick scholars.

Halifax,  
June 12.

To Revd. Cornelius Griffin. Expresses surprise that he should have placed himself in the mission and parish of another clergyman without authority. His salary will be stopped by the Society, to which the Bishop recommends him to make personal explanations. On account of a dispute regarding church affairs in Grand Manan, he is excluded from the Province.

November 23.

To Revd. F. Coster. Desires to meet his wishes but there are difficulties. The Society will not appoint two independent clergymen



## SESSIONAL PAPER No. 29b

in St. John. If he is stationed there, it must be as curate to the rector. Believes from what he has learned of Mr. Coster's character and disposition that the best interests of the church would be served by this arrangement. Recommends him to take any of the vacant missions in either Province, and will endeavour to secure his permanent appointment to such as may be selected. Suggests Carleton.

December 19.

To Sir James Kempt. Reverend James Shreve and Revd. H. W. Arnold are qualified for Priest's Orders. For many years it has been the practice for the Bishop to institute to benefices upon receiving informally the approbation of the Lieutenant Governor, and afterwards to pray for a mandate for the induction. But it seems to the Bishop that the regular presentation from the Governor in the first instance would be more regular. He asks for the presentation of Mr. Shreve to St. Stephen's Church, Chester, and of Mr. Arnold to Christ Church, Granville. Both of these charges have been vacant for several years.

December 19.

To Reverend Anthony Hamilton. Death of Mr. Aitkins; James Cochran recommended for mission at Lunenburg; Mr. Coster; Mr. Hayden's relinquishment of Rawdon; Mr. Griffin officiating in Granville without authority; Mr. Adin dissatisfied; Mr. Jenkins doing well at St. Eleanor, recommends that he be left there; Bermuda and Newfoundland affairs; respecting the scholarships held by Abram Wiggins, John James Millidge, Joseph Hart Clench, and Charles Shreve. Church at Truro consecrated, Henry Wier recommended for school at Rawdon; recommendation to apply £16 for benefit of national schools in New Brunswick through Mr. Best.

December 21.

To Revd. F. Coster. Is glad Mr. Coster is to accept Carleton church. Has good advice to give him.

1826.  
January 2.

To Rev. C. Griffin. Respecting his application to have a trial with regard to his relations in Grand Manan.

January 17.

To Rev. J. T. Twining. Respecting a dispute. Until the effect of his written communications has diminished, the Bishop cannot admit him to a personal conference. Advises him how to proceed.

January 23.

Notes of letter to Mr. Hamilton. Respecting an assistant at Halifax; three or four fit missionaries required; question of employing Rev. Wm. Douglas; respecting Alex. C. Somerville's application for Holy Orders; respecting Mr. Griffin; Edward Pike recommended for exhibition. Wrote to Bishop Stanser, Joshua Watson and Lord Bathurst respecting Mr. Twining.

January.

To Sir James Kempt. Respecting the proceedings relative to appointment of Rev. Robert Willis as rector of St. Paul's, and the case with reference thereto prepared by the Attorney General. As the opposition to the appointment has now ceased, and Mr. Willis has been instituted and inducted, the Bishop would recommend the cessation of proceedings. Mr. Richard Uniacke differs from the Bishop as to his recommendation.

February 11.

To Rev. Anthony Hamilton. No further difficulty with Mr. Hayden apprehended. Mr. Jenkins likely to do well at St. Eleanor's; Mr. Griffin's case; good report of Mr. Uniacke with request that he be cautioned against interference with Rector.

February 15.

To Sir James Kempt. Mr. Shreve has been instituted to parish of St. Stephen at Clester. Requests mandate; the same for Mr. Arnold into Christ Church, Granville.



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- March 15. To Rev. A. Hamilton. Bishop's ordination on 19<sup>th</sup> Feby.; Mr. Walker to attend to Dartmouth, Sackville and Margaret's Bay; Mr. Morris; Henry Snyder an exhibitor; Mr. Milner's proposal to attend Amherst and Westmorland recommended; Mr. Turner to be schoolmaster at Chester; honourable mention of Mr. Cochran and Mr. Shreve.
- March 30. Drew bills for £50 in favour of Henry Hatton, Pictou, being first moiety of Society's grant at that place. Church there boarded and shingled, sending materials to complete it.
- March 28. To Sir James Kempt. Requesting presentation of Rev. Alfred Gilpin, A.B., to Weymouth.
- April 3. To Sir James Kempt. Requesting presentation of Rev. J. C. Cochran to St. John's, Lunenburg.
- April 3. To Rev. A. Hamilton. Respecting Mr. Twining, who is very unhappy; Mr. Coster's attentions to schoolmasters very judicious; difficulty of finding suitable missionaries for Newfoundland; sorry for Mr. Douglas' unfitness; desirable to repeal Colonial Ordination Act; difficulty regarding ordination of the younger Mr. Dibblee; sufferers at Miramichi relieved; churches there and at Fredericton not likely to be delayed; unwilling to draw for Mr. Hayden's £50; he and Mr. Griffin ready to print against Society.
- April 3. To Rev. R. F. Uniacke. The Bishop has signed his license. There seems to have been some difficulty as to the designation of the charge, which, the Bishop impresses on him, is the Chapel of St. George. He is admonished not to officiate at funerals in the burial grounds of St. Paul's, without permission of the Rector.
- April 4. To Sir James Kempt. Respecting the trouble between Mr. Twining and Mr. Nutting. The Bishop encloses copy of a letter from Mr. Hamilton to Mr. Twining notifying him that the Society cannot employ his services as a missionary; also, a copy of a letter from Mr. Hamilton to Mr. Griffin, announcing the termination of the latter's engagement on the 1<sup>st</sup> July, 1826.
- May 17. To Rev. A. Hamilton (notes of contents). Reporting on the Bermudas and to Mr. Morton as to sad state of College matters owing to inactivity of Government. Inglis Buskirk nominated to an exhibition.
- August 14. To Rev. A. Hamilton (notes of contents). Respecting Mr. Jackson; Mr. Griffin's insolent letters; Mr. Adin unwilling to remove; Mr. Morris likely to retire if he lives, which will relieve situation at Horton and Cornwallis; Mr. Alley; Mr. Wix; Archdeacons should have £500 a year, which would enable them to employ curates; Mr. Burnyeat; Mr. Morse; difficulties in filling Amherst and Liverpool; application for increase of salary to Mr. William Gray recommended; Mr. Coster doing well at Carleton; Mr. Wiggins' examination and ordination; reports against Mr. Cookson and Dr. Thompson; recommends Mr. Dibblee's pension.
- August 16. To Sir Thomas Cochrane. Will not visit Newfoundland this year. The Archdeacon of Newfoundland should have at least £500 a year. Asks Governor's assistance to that end.
- August 16. To Archdeacon Coster. Gives him the information in the foregoing letter respecting Newfoundland matters. Is pleased with good work of his brother in Carleton.
- August 17. Drew for £100 in favour of Rev. James Cochran for the parsonage at Lunenburg.



## SESSIONAL PAPER No. 29b

April 29.

Rev. A. Hamilton to Rev. Charles Cornelius Griffin. Re-affirming decision of Society.

September 5.

Bishop Inglis to Rev. A. Hamilton (Notes). Visit to Newfoundland postponed; sailing for Gulf of St. Lawrence to-morrow; Churches at Dartmouth and Sackville consecrated; Mr. Alley's embarrassments; schools in unsettled state; Mrs. Cochran's death; and smaller matters.

October 30.

To Sir Howard Douglas. Report of his visit to New Brunswick, at every parish of which he was, except Woodstock and Bathurst, which were not prepared for him. Is generally well satisfied with the condition of the Church in the province. He consecrated 19 churches and at 24 confirmations confirmed 1720 persons. The schools are generally well attended and well appointed, some exhibit excellent specimens of the Madras System; there is great shortage of clergymen; he ventures to think the timely application of the Crown Lands may forward this desirable object.

October 30.

To Sir Howard Douglas (Private). Several small sources of revenue have been spared to the church in New Brunswick. Grindstone Island and several ferries have been so allotted. Suggests the advantages of extending such sources. Care must be taken to avoid collision with local magistrates who may be dissenters, and who have it in their power to diminish the value of public services allotted to the Church.

The details of friction between the Presbyterians and the Church school at Miramichi are given, the former refusing aid to the schoolmaster, because the Shorter Catechism is not taught in the school. The Bishop has directed that the Church Catechism shall not be taught to children, whose parents object, and that such children shall be sent to their own pastors for religious instruction, at stated times. If this measure of conciliation is ineffectual, the Bishop asks the Governor's interference, suggesting the appointment of sufficient magistrates to give the Church a majority on the Bench.

October 31.

To Rev. A. Hamilton (Notes). Enquiry whether Society for conversion of Negroes cannot keep up Negro schools in Bermuda, at least for present. Interference requested respecting the Prince Edward Island Marriage Act. Application suggested to land proprietors of Prince Edward Island for assistance to Church. Mr. Adin's case. His satisfaction with St. Eleanor's Church at Charlottetown to be property of Church or new one built. Mr. Wix going to Liverpool. Archdeacon Spencer's valuable service during his visit. Some minor matters.

November 30.

To Rev. A. Hamilton. Return from completion of summer visits. 44 Churches and 35 burial grounds consecrated. 61 confirmations. 4367 persons confirmed. Every clergyman in Bermuda, Nova Scotia, New Brunswick and Prince Edward Island visited. Some minor matters.

October 4.

Earl Bathurst to Sir James Kempt (Confidential). Calling attention to state of Ecclesiastical affairs in Diocese of Nova Scotia. Although the clergy are professedly maintained by the Society for the Propagation of the Gospel, yet as the funds of the Society are drawn in large part from the public Treasury, it would seem that the people of England, and not the Society, are charged with the support of an ecclesiastical Establishment. This was natural in the



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early stages of the Province, but now an effort should be made to put the Church in Canada on a footing of independence.

To avoid dangers which suggest themselves from precipitate action, the Governor is recommended to place the matter before the Bishop and leading members of the clergy. Lord Bathurst is aware of the inadequacy of the salaries, and of the small value of the Glebe lands in many cases, and will see what can be done in the way of remedy. The Home Government is prepared to require the civil authorities to reserve in all future grants of land, one-seventh for the maintenance of the Church. The Government is also prepared to appropriate for the same purpose a block of land as an equivalent for the same proportion of lands already granted. For the management of these Church lands a board will be required, and the Bishop should be consulted as to the constitution of such a board.

Earl Bathurst to Sir James Kempt. With reference to the subject discussed in the foregoing letter, the Governor is requested to ascertain, by sounding, whether the Legislature would be disposed to afford some temporary assistance to the Church, pending the permanent relief to be derived from the disposal of the Church Lands. The position is by no means to be submitted to the Legislature unless there is a certainty that it would be found acceptable.

December 19.

To Rev. A. Hamilton (Notes). Respecting the foregoing letters of Earl Bathurst. He suggests Mr. Hamilton's endeavouring to see any other correspondence at the Colonial Office on the subject. Notes of letters to (a) the Secretaries of the S. P. C. K. respecting a draft upon them for £40 in favour of Archdeacon Spencer for 6 months' allowance to 8 catechists of the negroes at Bermuda; (b) Archdeacon Watson giving reason for infrequency of public fasts and thanksgivings—the abuses of Papists and Puritans. Danger of bringing authority into contempt, if used contrary to feeling of people, undesirable to call for frequent interference from Civil power in Church services.

December 22.

Drew for first moiety of £100 for church at Bridgetown, Granville. Drew the second moiety on Sept. 17, 1827.

December 20.

To Lieutenant Governor Ready. Congratulations upon arrival at Charlottetown. As Mr. Adin has left the Island, the question of supplying the Church at Charlottetown will have to wait until it can be seen if he intends to return. Respecting affairs at St. Eleanor's Mr. Jenkins has created favourable impression. The Presbyterians might be induced to relinquish their rather vague claims upon their church at Charlottetown, and were not disposed to object to its consecration. The Bishop would prefer a finer church. 162 persons were confirmed in old church, though little preparation was made. The Marriage Act is objectionable, and should be resisted if not too late. Suggestion as to commission to magistrates to solemnize marriage. Mentions Lord Bathurst's correspondence respecting church maintenance. The schools come in for criticism. There should be a good classical school in Charlottetown, and, if possible, scholarships at University of Windsor for Prince Edward Island students.

1827.

January 3.

To Archdeacon Best. Respecting an exchange of part of the glebe at Fredericton for land in possession of Hon. Mr. Baillie.

January 5.

To———. Dealing at length with Mr. Griffin's case.



## SESSIONAL PAPER No. 29b

January 16.

To Sir Howard Douglas. With reference to the recent despatches from Lord Bathurst, he had already informed Sir James Kempt that application to Legislatures for temporary relief would be worse than useless. Glad to find Sir Howard agree with him. He is, also, of opinion that the time is very remote when any grant of unallotted lands would provide revenues adequate to needs of Church, and is grateful to Sir Howard for pressing on Lord Bathurst the necessity for continued assistance from Government and from Society. Is pleased with Land Board suggested by Sir Howard. He had named, at Sir J. Kempt's desire, the following who would be suitable members: Lieut. Governor, Bishop, Chief Justice, Archdeacon, and President of the College. He, also, thought the Surveyor General and Speaker of the Assembly would make desirable additions. A similar board might answer the requirements of New Brunswick, which, by the way, might be a separate diocese before the land became of value. If a local board was not considered necessary, the Society for the Propagation of the Gospel might be made trustees and almoners of the Crown. He agrees with Sir Howard that a number of small grants would be more desirable than one large grant. Discusses legal measures which may be necessary.

January 19.

To Rev. A. Hamilton (notes of letters). A plan suggested for improving and reserving lands as property of Crown until they become of some value, and then transfer them to the Church. Thus odium would be avoided until there is benefit. Recommends that Newfoundland missionary be not peremptorily placed. Mr. Jackson favourably mentioned. Mr. Alley's will. Recommends relief to Mr. Shreve, payment of Mr. Inglis' removal expenses, some increase to Mr. Weeks, relief to Mr. Bacon, that Mr. McCawley be employed during vacation, schoolmasters at Nashwaak, approval of Messrs. MacColla and Milner as exhibitors, appointment of Mr. Nesbitt as catechist to the negroes.

January 29.

To Robert Cutler. A request from the trustees of school lands in different parts of the province, that he protect the school lands at Guysborough. (A similar letter was sent to W. O. Hefferman and to Isaac Wylde, Dec<sup>r</sup>. 19, 1827).

February 10.

To Otto S. Weeks. Holding his application for Holy Orders in suspense, till further conditions be complied with.

February 17.

To the Archbishop of Canterbury. Submitting two alterations in the College Statutes, the object of which is to remove the objections of Dissenters to the institution. The second of the two is to enable the authorities to dispense with subscription to the Thirty-nine Articles, in cases where there remain conscientious objections thereto.

To Chief Justice Saunders of New Brunswick. Suggesting amendments in the Militia and Marriage Acts in the interests of the clergy. It seems hard that they should have to find a substitute or else pay a fine for their exemption from service. As to the Marriage Act, he suggests a change in regard to the repositing of evidence of marriage with the Clerk of the Peace. Another thing is the impropriety of allowing Magistrates to marry where there is a clergyman residing. Special commissions might be issued licensing persons to marry, where it was absolutely necessary. The Archdeacon might be entrusted with the duty of naming such persons. If any attempt should be made to obtain permission for Dissenters to marry by



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license (which is an Episcopal instrument) it should be rejected. An act authorizing this passed the Nova Scotia legislature, but it was annulled by Government, and the Governor was advised by Lord Bathurst to reject any future bill of the kind. A similar attempt was made last year in Prince Edward Island but was frustrated by Lord Bathurst.

April 9.

To Rev. A. Hamilton (Notes of letters). The following missionaries wanted, 14 in Nova Scotia, 9 in New Brunswick, 4 in Prince Edward Island, 6 in Newfoundland, and 4 in the Bermudas—with the names of the places. Week day work encouraged. Lay reading of necessity. It is common among all Dissenters and even among Roman Catholics. R. Wiggins, John Moody, and M. Desbrisay ready for ordination. Recommends Mr. Wix stationed at Halifax as visiting missionary. Mr. Weeks and Mr. Walker doing well. Mr. Norris wishes to resign. Recommends assistance to Dartmouth in paying for parsonage. School lands at Newport recovered without suit. Favourable compromise for glebe at Weymouth. Mr. Jackson likely to go away.

Another letter of same date. Mr. Griffin's various relations.

Another letter of April 25-28, 1827. Affairs in Prince Edward Island. Parish of St. Paul's divided. Mr. Uniacke properly missionary at St. George's, Halifax.

Private letter at same time. Mentioned arrangements at Cornwallis, Horton, Falmouth, Newport, Springfield, Miramichi. Impropriety of displacing men like Mr. G. Wiggins. Mr. Hayden's perverse conduct. The Attorney General directed to assist in displacing him. The efforts of the Catholics stated. The Popish procession at Fredericton and other matters alluded to. Other minor matters. Another letter to Mr. Hamilton, May 7, respecting St. Eleanor's; the proceedings of J. W. Weeks. Mr. Walker to be ordained and go to Cape Breton, Mr. Moody to be ordained and go to Liverpool. Mr. Richard Wiggins to be ordained. He is wanted both in St. John and at Westfield.

May 22.

To Rev. Dr. Cochran. Respecting the church at Falmouth, and the question of employing Mr. King there.

September 5.

Rev. Jos. Wright to Rev. A. Hamilton. Conditions at Horton. Strong prejudices against Church form of worship; mission of little importance.

September 15-17.

To Rev. A. Hamilton (Notes). Additional grants required for Madras System. Mr. Wix's employment in Halifax pressed. Grant of £100 for Dartmouth. Resignation of Mr. Wright a mistake. Mr. G. Morris' removal to Rawdon proposed. Other less important matters.

Letter, Sept. 29. Mr. Nichols recommended as schoolmaster at Clements. And other matters alluded to.

Letter, Nov. 23. Recommendation that all Society's appointments be temporary. Mr. Desbrisay successful at Margaret's Bay. Mr. Wix very helpful. Mr. William Talbot recommended for school at Liverpool, and Mr. Asa Torrey for Windsor. Archdeacon Best recommends Mr. N. Arnold to go to Sussexvale to assist declining father; Mr. Wright's going to St. John to serve in Free Chapel under Mr. Gray; Mr. Milner's exchange with Dr. Thompson; the appointment of Mr. Legget to school at Springfield. Scovil, Trim-



## SESSIONAL PAPER No. 29b

ingham, and G. Haliburton recommended as scholars, and John Stirling as exhibitor.

A letter of Nov. 26. Churches in his diocese: 36 in Nova Scotia, 29 in New Brunswick, 25 in Newfoundland (excluding several buildings held jointly with Methodists), 9 in Bermudas, 2 in Prince Edward Island. In all 101. 20 churches building and over that number required. 12 of the 101 consecrated by his father besides 21 decayed and replaced. Within the last two years, 62 churches and 55 burial grounds consecrated. 10,000 miles covered in his visitations, "88 confirmations, 6,732 above 16 confirmed." Some have left from unsettled minds, and whole bodies have united with Dissenters and Romanists from want of Church. Sir Thomas Cochran's good assistance.

A letters of Dec. 17. Respecting Mr. Barwell. Mr. R. Wiggins gone to Amherst, Westmorland and Shediac.

December 19.

To Rev. C. Milner. Respecting the question of his transfer from Sackville.

1828.  
January 5.

To Rev. A. Hamilton (notes of letters). Miss Weeks recommended as successor to Miss Bailey at Annapolis. Expenditure on church at Tor Bay. Other matters.

January 12.

To Rev. A. Hamilton (notes of letters). Nominated Henry James Fitzgerald to vacant scholarship.

January 26.

To Rev. A. Hamilton (notes of letters). Population of Lunenburg county, 9405, viz.:—2119 church people, 2897 Lutherans, 1916 Calvinists, 1192 Baptists, 844 Methodists, and 437 Romanists.

January 30.

To Rev. F. Coster. Respecting irregularities in Marriage observances in Nova Scotia and New Brunswick.

March 24.

Notes of letters to Archdeacon Hamilton. A. C. Somerville ordained and recommended. Thomas Maynard nominated to exhibition. Proposal of Bishop to require missionaries to send their reports unsealed through Bishop or Archdeacon, and prohibit the circulation of unauthorized tracts. He encloses letters from persons whom he names. March 28. Drew on Society for Propagation of Gospel in favour of George N. Russell for £50 to assist in the instruction of schoolmasters in National System. Charles Walford to be an exhibitor.

April 9.

To Dr. Barrett (Notes of letter). Mr. Nesbitt ready to go to Bermudas.

April 10.

To Society for the Promotion of Christian Knowledge (notes of letter) in behalf of the College. Explains its wants.

April 10.

To Rev. W. Parker. Enclosing a bill of £100 on the Society for the conversion of negroes, for the negro school in Bermuda.

April 11.

To Archdeacon Hamilton. Respecting Mr. Nesbitt, whose reports he encloses. Census forwarded. Respecting Marriage Laws. The Church of Scotland and Methodists taking no part in the application on the subject. Religious Congregation Act forwarded. It gives a sort of establishment to every sect now in existence. Hopes Home Government may interfere. Archdeacons Spencer and Best about sailing. Some comments on the latter. Forwarded application from Gay's River for assistance with church. Forwards letters from Mr. Twining, making comments upon them.

April 18.

To Rev. S. Wix. Forwarded Judge Wiswell's statement relative to the Indian Settlement at Bear River, with the hope that it may



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interest the New England Company. Hopes, also, for continuance of allowance for negro school at Preston.

To the Bishop of London. Requesting the ordination of Mr. Richard Tucker of Queens, Cambridge, for Bermudas.

To Archbishop of Canterbury. On same subjects, and for further assistance to College, for building fund and 2 senior scholarships.

1825.  
December 21.

The Churchwardens of St. Paul's. Archdeacon Willis informs him that the churchwardens cherish the hope that upon his arrival he would take steps to restore harmony in the parish. There is nothing he would not do, to so desirable an end. Makes an appointment to see them.

1828.  
November 17.

To Rev. S. Bacon, Miramichi. Mr. Archibald Gray has been admitted to the order of Deacons, and is being recommended as assistant to Mr. Bacon.

November 24.

To Rev. Dr. Thompson. Respecting the disagreement between Dr. Thompson and his church officers. The Bishop urges Dr. Thompson to seek a transfer, though he is persuaded it will be a serious loss to the church.

November 24.

To the Churchwardens of St. Stephen's. Respecting the church trouble. If it continues the Society may remove their missionary and not appoint another until a better spirit is shown.

November 28.

The Bishop drew on the Society for £50, the last moiety of the Society's grant to the church at Pictou.

November 29.

To Rev. Anthony Hamilton. (Notes of letter). Archibald Gray and John Moore Campbell made deacons, the former to go to Miramichi, the latter to Cornwallis. Messrs. Parker, Moody, Desbrisay and R. Wiggins admitted priests. Mr. Crowell has gone to Woodstock, Mr. Whalley to Granville, and Mr. N. Arnold to Sussexvale. Church at Pictou finished. W. King well received. Sackville Church burnt. Mr. Connolly mentioned and Mr. Wix. Mr. Hayden has received Society's resolution respecting him. Haley recommended for exhibition. Mr. Nesbitt's superintendence at Preston and Hammond Plains to terminate. Comfortable account from Bonavista. Catalina and Salmon Cove request assistance.

December 3.

To Ladies' Negro Educational Society. Thanks for £50. Permanent funds greatly desired. Mr. Nesbitt going to Bermudas. Favourable reports from Messrs. Pott and Hoare of their schools.

December 9.

To Archdeacon Hamilton. Priests ordained and sent to Dartmouth, Liverpool, and Amherst and Westmorland. S. E. Arnold ordained and going for few weeks to Cornwallis, then Fredericton, thence to Shediac, if possible to give attention to Richibucto. Samuel Denny Lee Street applied for Orders. Subscription to Sackville Church doing well.

December 18.

To Ladies' Negro Educational Society. Drawing for £25 in favour of Mr. Nesbitt, who has sailed for Bermuda.

1829.  
January 26.

To Rev. J. C. Cochran, Lunenburg. Gratified with application of Rev. W. Temme and many of his congregation to unite themselves with established Church. The union may be effected the more easily as the Church of England and the Lutheran church have regarded themselves as sisters. Discusses arrangements.

January 26.

Drew on Society for £50 for assistance in building church at St. Mary's near Weymouth.

April 4.

To Sir Howard Douglas. On his departure from his Government.



## SESSIONAL PAPER No. 29b

1828.  
Hampton,  
December 26. Rev. J. Cookson to Bishop. Owing to discontent he wishes to resign.
- Hampton,  
December 26. Samuel Wallett to Bishop. Respecting Mr. Cookson's resignation.
1829.  
April 10. List of papers sent by Bishop to Archdeacon Hamilton.
- April 11. To Archdeacon Hamilton. Free chapel at St. John liable to jealousy. Chapel of ease preferable. Troubles at St. Stephen's not yet healed. Mr. Cookson's melancholy case. Messrs. Street, A. Wiggins, T. H. White and J. S. Clarke to be ordained. Society's sanction for employment requested. Newfoundland, pension to Mr. Thomas at Silby Cove. £125 a year to O. Weeks. Grants for several small churches and schoolmasters to Placentia. Bermudas, Mr. Murray as curate to Mr. Hoare, Mr. Nesbitt gone thither. Nova Scotia, Mr. Henderson schoolmaster for Margaret's Bay or elsewhere, M. Smith for Truro; Jacob Thomas Dickson for Onslow, Mr. Alexander for Newport recommended. Mr. Clarke employed in Sunday visits to Preston and Hammond Plains. Mr. Campbell still at post and doing better. John Thompson and Charles Shreve for scholarships.—Johnson for an exhibition. Draws attention to James Cochran's scheme of uniting Church and Lutherans; £12-10 for Porter's Lake Church will not be drawn till wanted; grant to Sackville church very opportune, grant of £100 passed Assembly but was rejected by Council.
- April 10. To Ladies' Negro Educational Society. Sending 2 letters from Mr. Nesbitt.
- April 11. To Rev. S. Wix. Respecting negro schools.
- April 13. To Society for P. C. K. Enclosing letters from Rev. James Cochran.
- March 6. To Rev. Dr. Barrett. Respecting expenditure for negro schools in Bermuda.
- To Archdeacon Hamilton. Concurs in suggestion that Archdeacon of Newfoundland should reside in St. Johns, particularly in view of fitness of recent incumbent. Some other suggestions of Archdeacon approved.
- May 6. To Rev. Geo. McCawley. Respecting Mr. Slason. (The terms of letter are very obscure).
- March 7. To Chaplain General. Dr. Twining has applied to the Bishop for a testimonial to assist him in obtaining the appointment he desires. His services as a chaplain have been satisfactory, though his employment in Halifax would be inexpedient.
- July 7. Rev. S. Wix to Archdeacon Hamilton. Bishop is ill, hence Mr. Wix writing for him. Death of Archdeacon Best. Archdeacon Coster recommended as successor. Owing to difficulties at Windsor, Dr. Porter's removal might be benefit to College. The Bishop regrets making this recommendation. Dr. Porter might do very well at Fredericton. Then Archdeacon Coster might be placed at head of King's College. If the Archdeaconry in Newfoundland became vacant, the Bishop recommends Mr. Wix, if his age is no impediment. He gives particulars of age and services. He describes the steps necessary to the appointment of an Archdeacon.
- August 27. To Colonial Secretary. Nominating Archdeacon to the vacant Archdeaconry of New Brunswick.



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An extract from the Royal Letters Patent erecting Archdeaconries in Nova Scotia, empowering the Bishop of Nova Scotia to collate to archdeaconries.

October 14.

To Rev. B. G. Gray (extract). An informality in the dedication of the church at Portland.

Drafts for £25 for church at Margaret's Bay; £100 for church at New Dublin; £100 for a schoolhouse in Bermuda; for £85 for salaries to 6 teachers of negro schools in Bermuda; £100 for the church at Arichat.

June 12. 1834.

To Rev. F. H. Carrington. Mr. Wix nominated to Archdeaconry of Newfoundland. He will proceed at once to St. Johns. Bespeaks good will of clergy. He will have to take charge for a time of the churches at Portugal Cove and Torbay.

Draft for £100, grant to Sackville church.

November 19. 1831.

To Viscount Goderich. Replying to an enquiry as to why the Pictou Academy should be cause of trouble between the Church and Dissenters, the Bishop declares that such is not the case. The real question is between the Kirk of Scotland and Dissenters from the Kirk. It has been the policy of the advocates of the Academy to keep this out of view, but this is no longer possible. Full evidence on the point is in the Colonial Office.

Asks for a vessel from the Admiralty to visit settlements on the Gulf of St. Lawrence and in Newfoundland.

November 19.

To R. W. Hay. Urging that the casual revenue of Nova Scotia be relieved of some of its charges and that it be made available for the Church and College. All hopes of a speedy increase in these revenues will prove illusive. Similar sanguine expectations were entertained of the Shubenacadie Canal, but it is now spoken of as a complete failure. The president told the Bishop the day before that £50,000 would be required to complete it. There are prospects of much distress from the failure. No speedy increase may be looked for from the coal mines, either. As respects the union of King's and Dalhousie colleges, which has been spoken of, any diminution of the Parliamentary grant would involve the whole in ruin. There are now £400 expended on the Collegiate schools at Windsor. This is only a temporary aid from the Society for the Propagation of the Gospel.

November 23.

To Archdeacon Coster. Respecting nominations to scholarships at King's College, Fredericton. He lays down the principles to be observed in selecting students therefor. The Society were compelled to pass a resolution that they could no longer authorize the Bishop of Nova Scotia and Quebec to open new missions, and that their scholars when ordained must be employed with a salary of £100 a year until missions are vacant.

December 31.

To Churchwardens at Annapolis. Glad to learn Mr. Trimingham is satisfactory but he deprecates applications on behalf of individuals, as embarrassing to him in selecting pastors for vacancies. The Society for the Propagation of the Gospel having announced their intention of withdrawing their assistance in cases where congregations show little or no disposition to help themselves, the Bishop cannot promise the continuance of a missionary among them unless a house be provided for him and a regularly secured income of at least £50 a year from the Churchwardens of the different churches. Dissenters support their own ministers, and it is contended church-



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- men should do the same. Parliament looks critically at the circumstances of the churches in Nova Scotia.
- December 2. To Rev. T. A. Grantham. Declining to accede to his application for transfer from Yarmouth to Annapolis. Gives his reasons.
- December 9. To Rev. James Robertson. On his untimely arrival in New Brunswick. Expected he would have gone to Newfoundland, as the Bishop had advised in London. No vacancy in New Brunswick. Cannot give more than £100 a year while waiting for a vacancy.
- December 10. To Rev. T. Salt. Respecting charges of unsatisfactory management of the school under his charge. The Governor's right and duty to insist on investigation.
- December 13. To John Dunn. Replying to a letter respecting Ordination. For reasons given in foregoing letter, the Society will authorize no new missions. Whether Grand Manan can be considered a new mission, he does not know, but will enquire from the Society. In any case, though, unless the parish will guarantee at least £50 a year and a comfortable home, the Society would not give any support.
- December 28. To Archdeacon Hamilton. (Notes of letter). Archdeacon Coster's dreadful fire; recommending a grant of £200 to him. *Re* Mr. Robertson's case; Grand Manan. Mr. Trimingham recommended for £30 for attending Dalhousie, in addition to his deacon's salary.
- December 29. To Vice Admiral Sir Edward Colpoys. Requesting a vessel for his pastoral visitations to Newfoundland and Gulf of St. Lawrence.
1832.  
January 7. To Rev. F. Salt. Respecting his difficulty with the School, and suggesting his resignation.
- February 8. To G. F. Street and E. W. Miller. Commends their desire to erect a parsonage and increase the comfort of the rector, but deprecates a change of Glebe which appears to be bound up with their plans. (This is in Fredericton).
- February 15. To Rev. G. Dodsworth. An admonitory letter.
- February 16. To Sir Peregrine Maitland. If it be thought proper to apply the lands granted for a Dean and Chapter for the support of the Bishop, he tells them how to proceed. But he intimates that even with the best management, it would be impossible to extract any considerable revenue from the lands.
- Over 40 years before, his father began the improvement of 10,000 acres, of good land, and the work has gone on ever since. Upwards of 2,000 acres have been cleared at an expense of £7,000. There are about 30 tenants residing on the land. The nominal rent does not exceed £200, and £20 have never been received in any one year, *in money*. Whoever has the energy that would enable him to pay rent, can become a landowner even if he has no money. It is also to be remarked that almost all the business of the country at any distance from Halifax is transacted by barter.
- February 14. To Sir Rupert George. Giving statistics respecting Ecclesiastical affairs in Nova Scotia. There are about 30 parishes and about 52 churches, served by 29 missionaries from the Society for the Propagation of the Gospel. Most of the parishes have glebes of from 400 to 600 acres. There is only a life interest in them which discourages cultivation. He suggests at least 500 acres in every 32 square miles, for glebe purposes, and would secure these by grant. The glebes so secured will increase in value, but some provision for their security and improvement should be made by an Imperial Act, applying to all the colonies. No time should be allowed to run



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against them. They should be secured from trespass by easy process. Provision should be made for long leases, and in exceptional cases, for their sale. But the consent of the Bishop should be necessary for the former, and of the Governor and Bishop for the latter. In all cases involving considerable amounts in which the Church is concerned there should be an appeal to England. This was the position in New York with very happy influence. As the Church of England is established in Nova Scotia in 1758 by a Provincial act of 32 Geo. II, cap. 5, and as incumbents are regularly instituted and inducted he has always supposed the Parson has a freehold in his rectory as in England.

Copy of a letter to the Provincial Secretary of Nova Scotia, with an abstract of the Ecclesiastical State of the Province.

March 15.

To the Rector and Churchwarden of Granville. It has become necessary for all churchmen to exert themselves more than they have done. In a place so extended as Granville, greater efficiency in superintendence might be secured if there were church or chapel wardens and vestrymen in each district, or at least for the middle and lower districts. The upper district might perhaps be advantageously divided between the middle district and Bridgetown, and hereafter separate parishes may be legally formed if experience shall prove that the lines are rightly drawn.

April 19.

Bill for £25 as part grant for Church at Bear River.

April 21.

To Archbishop of Canterbury. Respecting the union of King's and Dalhousie which is desired by Lord Goderich. The Boards of the two colleges are willing. There was dissent on the part of the Speaker of the House of Assembly, and of the Solicitor, the object of which is to prevent any connection between the Established Church and the United College. The Governors do not feel warranted in relinquishing all control; chiefly on account of the character of the college as the handmaid of the Church.

The provision for Pictou Academy which is named in the Attorney General's reasons for dissent has been effected by the Legislature, but the question of union has been postponed until the following year. Invites attention to Lord Goderich's advice that the College grant would be reduced from £1000 to £500 for the year, and would entirely cease after 1833, and points out the various unfortunate consequences of this determination.

Bill for £25, part grant to St. Peter Chapel, Eastern Passage, Dartmouth.

March 19.

To Rev. W. B. King. An admonitory letter.

June 23.

To Archbishop of Canterbury. Enclosing a duplicate of a memorial from the Governors of King's College to the Colonial Secretary, and requesting his assistance.

1833.  
January 25.

To Lord Goderich. His Lordship deprecates applying to Admiralty for ships of war for pastoral visitations. Presents his view of the case, showing the extent of his journeyings.

January 25.

To Lord Howick. In reply to a request that in future pastoral visitations his suite may be limited to as small a number as possible. He explains and promises to comply.

February 13.

To Archdeacon Coster. Discusses and criticizes a practice of instituting first for one parish and afterwards to another; sub-alienation would be denied at Fredericton; Prince William should be divided as soon as possible; *re* removal of Mr. Wood; had a number



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of enquiries from Jarvis (Geo. S., D.D.). He states no glebe or church land has been secured in Hampstead or Wickham; when the church is altogether separated from the State and from the Society, he will concur in the expediency of a mixed convention; respecting vacancy at Shediac.

February 25.

To Lord Goderich. Clergy and Members in New Brunswick disturbed by sale of Reserved Lands; he recalls a proposition of Clergy Reserves similar to those in Canada; the Society for the Propagation of the Gospel, formerly unwilling, is now willing to accept the trusteeship of the lands; Clergy in Prince Edward Island uneasy over disposition of lands; some jealousy shown to land grants to Church in Nova Scotia.

March 26.

To Rev. J. Connolly. (Extract). Respecting arrangements during his absence from the Parish. The Baptists are taking every advantage of his absence.

October 30.

To Rev. J. Burnyeat. Respecting desire of people at Gay's River and Musquodoboit for regular supply. Reduced circumstances of Society makes self help on part of people a necessity.

November 14.

To Rt. Hon. E. G. Stanley. Inviting attention to a number of memorials for the clergy in his Diocese, and making a strong plea on behalf of the clergy, whose reduced means is entailing suffering. Many cases of suffering have been reported from New Brunswick and Newfoundland. The clergymen entered on their duties on the faith of a positive engagement, and it is incumbent on the Government to keep that faith.

1834.  
March 26.

To A. Gou. Respecting a trust fund in his hands.

April 28.

To Justice Chipman. Asking for information respecting Charles Wiggins, who is a candidate for Holy Orders.

May 7.

To Lieut. Governor Young. On the question of employing Mr. Joseph Walpole.

June 15.

To Rev. A. Gray. Respecting certain charges against him.

June 15.

To Churchwardens at Sackville. Respecting the charges against Mr. Gray.

December 29.

To Archbishop of Canterbury. Respecting the charges against Mr. Gray.

1835.  
January 15.

To Rev. A. Gray. Respecting the charges against him.

January 17.

To Archbishop of Canterbury. Inviting attention to the Library of King's College, and asking whether the publication of the Records Commission which are being sent out, might not be deposited in this Library.

April 13.

To Archbishop of Canterbury. Thanking him for his compliance with foregoing request. The impossibility of union between King's and Dalhousie, without surrender of charter and violation of principles. The Governors of College making representation to Secretary of State. Condoling with Archbishop on recent affliction.

June 19.

To Rev. C. Porter, D.D. Respecting the affairs of the College. The Governors of the College are called upon to surrender their charter and submit to the Legislature the power of framing a constitution. The removal of the college to Halifax is considered a proper measure. The despatch supposes the establishment of Dalhousie college to be a popular measure thwarted by Governors of King's College.

April 10.

To Sir Colin Campbell. He has prepared a memorial to Secretary of State respecting King's College, which he desires Sir Colin to



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forward with a private letter. Gives reasons why the Legislature in Nova Scotia cannot make adequate provision for the College—the reasons are predominant influence of the Church of England, the lack of liberal education among members of the Legislature, and the desire of the members to devote educational funds to local inferior schools. All this in his view increases obligation of British Government to make adequate provision.

June 26.

To Archbishop of Canterbury. Sends with approval of Lieut. Governor copy of a despatch, which in the Bishop's opinion involves the destruction of King's College.

June 26.

To Archbishop of Canterbury. (Confidential). Sir Colin Campbell has received a despatch from Downing St. stating that they cannot imagine that the Governors of King's College will refuse to surrender their charter, but they are prepared for such action. Mr. Grant intimates the Governors' hands will be forced by Legislation.

The Governors, though one is a Presbyterian and the other a Baptist, are unanimous in retaining their charter and conceive they have no legal right to surrender it. The difficulty appears to have arisen from the demands of the college for assistance. The Minister thinks quite fallaciously that by union of the colleges, the Legislature would give adequate support. Great objections to having appointments for the united colleges open to all denominations or to those of none at all. The benevolence of the Society for the Propagation of the Gospel will enable the college to live, and if the Government will not help, it is desirable they should leave the college alone. The Government would scarcely undertake to interfere with the property of colleges belonging to other denominations.

July 18.

To Archbishop of Canterbury. A second despatch has been received urging the surrender of King's College charter. He has written to Sir Colin Campbell on subject, who will forward it to Downing Street. Dalhousie College, which was established against the judgment of Council, is unpopular. There is no desire for union, but if the suggestion of it becomes known, there are many who would be glad to strike at the Church. He would be satisfied to have professorships open to distinguished scholars of other denominations, if the statute could be altered. This he leaves for the Archbishop's consideration. A pension of £400 is provided for Dr. Porter by Government, who are ready to raise it to £500 when he takes charge of the new college.

October 2.

To Rev. W. B. King. Asking him if he would take charge of some boys at the school, during a vacancy.

October 29.

To Rev. G. Townshend. Respecting his duties regarding adult candidates for baptism, and other matters.

November 11.

To Archbishop of Canterbury. The crisis regarding the College is at hand. Lord Glenelg agreed to withhold the decision of the Government until a report from the Governors was received. It now goes forward. It is the work of a Presbyterian, and a fair statement of the work of the college. The Solicitor General, a Baptist, dissented from the report but as it has the support of the majority, it is being transmitted. It is hoped that Lord Glenelg will be satisfied that any attempt to destroy the connection between the college and the Church, or to violate the Charter will be an act of violence and injustice. The adoption of Divinity Scholarships by the Society



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for Promoting Christian Knowledge would generally strengthen their hands.

1836.  
September 7.

To Sir Archibald Campbell. Thanks for copies of correspondence with the Colonial Office respecting Clergy Reserves in New Brunswick, and for His Excellency's promise to make grants of these Reserves wherever there are corporations to receive them. He suggests that where there are no corporations, the lands be turned over to the Society for the Propagation of the Gospel in trust. Makes a suggestion respecting the sale or exchange of these lands.

November 14.

To Archbishop of Canterbury. Inviting his attention, as Patron of King's College, to a proposed change in the statutes of the College, making a graduate of King's College eligible for the presidency of the college, as well as graduates of Oxford, Cambridge, or Dublin.

They had a suitable man in the Reverend George McCawley, D.D. It would be absurd to confine it to the universities abovementioned, when the Parliamentary Grant was withheld.

November 14.

To Archbishop of Canterbury. Notwithstanding an order from the Colonial Office to surrender their charter, they have put their buildings in thorough repair, thus removing one argument against continuance. The college and collegiate school are in a very efficient state. But the loss of Divinity scholarships has left them without candidates for Holy Orders. He asks if the Society for the Promotion of Christian Knowledge cannot be induced to provide the requisite funds.

1837.  
March 9.

To Archbishop of Canterbury. Encloses decision of Governors respecting the despatch of Lord Glenelg. Very satisfactory.

The Speaker of the Assembly and the Solicitor General have declined to agree to the resolutions, the former because he did not wish to commit himself on a matter which might be the subject of debate. Mr. Johnson, the Solicitor General, turned from the Church of England to the Baptists, which accounts for his desire to separate the college from the Church. Mr. Johnston states that as soon as all doubts are removed as to the connection between the two, he will assist in the improvement of the college, but he thinks Lord Glenelg has left the question in doubt. If His Lordship can be induced to say that he has no intention of interfering again, then all the Governors will co-operate to promote the prosperity of the College. He just learns that the Committee of the Society for the Propagation of the Gospel has recommended £200 annually for Divinity Scholarships. If the Society for the Promotion of Christian Knowledge would do the same, the prospect would be greatly improved.

March 23.

To Archbishop of Canterbury. Private. Respecting the reservation of Crown Lands for Church purposes in Prince Edward Island. There is still some lands ungranted, and more will probably escheat to the Crown. But more important than the land is the acknowledgment of the Church's position in the colonies. This will silence the enemies of the Church, who are now very active. Respecting the position of the Antiburghers in 1834.

March 22.

To Sir John Harvey. Forwarding a copy of a letter sent to the Archbishop of Canterbury. He has alluded to the alleged reasons for the passage of the Act for the sale of Glebes in Prince Edward Island. He has answered the only weighty one. The others are the anticipation when the grants were ordered of a large number of



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foreign Protestants as settlers, the consent of the parties interested, popular clamour. To the first of these reasons it is enough to say that the foreign settlers never came. He tells of his experience with French and German Protestants in Nova Scotia. The second reason he does not understand, though it may refer to the acquiescence of the Church members in the Legislature. This seems to him for reasons given to be of no value. As for popular clamour, it should be resisted firmly.

April 12.

To Rev. Dr. Shreve. Calling his attention to overdrafts on the funds of the Society, and saying that the Society demands repayment.

April 26.

To Sir John Harvey. Explaining the terms of his former letter. He wished to impress on the Colonial Secretary that a wrong had been done the Church in Prince Edward Island, which unless checked would be a warrant for further irregularities. He thought revenues might be obtained from three sources: remaining Crown Lands, escheated lands, and from gifts from proprietors, who might be allowed to treat every acre so granted as an acre cultivated. He agrees with His Excellency as to the need of more clergymen.

May 22.

To Archbishop of Canterbury. Respecting alienated glebes in Prince Edward Island. Many were under improving leases, and would be no impediment to improvement of Island. On two of the glebes, burial places had long been used, and these were sold with the rest. As the Legislative act authorizing the sale of lands stipulated that the proceeds would be used for educational purposes, the Government might make some restitution by appropriating the monies to schools which may be established by the Society for the Propagation of the Gospel whose schools are devoted to general education among all denominations, regarding the poor especially. Sir John Harvey wishes to appropriate as much of these funds as possible to the National School at Charlottetown, the only institution on the Island connected with the Church. His Excellency about to recommend a plan by which lands liable to it may escheat to the Crown, which is encouraging. Of the thirty clergymen of his Archdeaconry, 26 were educated at King's College, which shows the importance of the institution.

1840.  
December 30.

To Churchwardens at Clements. He is, in accordance with their wish, settling the Rev. W. M. Godfrey, in their parish, on the understanding that they will comply with the conditions laid down by the Society of the Propagation of the Gospel.

1841.  
April 3.

To Lord John Russell. Respecting King's College, New Brunswick, and the question of altering its charter. The contentions of the Presbyterians and Baptists make it impossible to adopt the institution to the desires of the several denominations. The Roman Catholics would have nothing to do with it, while the Methodists are satisfied with it as it is. The Bishop asks that no change be made in the charter till a Bishop has been appointed for New Brunswick. There is now in the Province, Roman Catholic, Baptist and virtually Presbyterian universities, all authorized by Provincial Acts. They are all open to students without religious tests, but each is under its own religious society. Similar institutions will be found in New Brunswick. A Baptist seminary is well advanced. If the King's College charter is altered, the Church of England will be alone without a college of its own.



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- April 6. To Sir Rupert George. Respecting a letter from a Mr. Upham with regard to the school lands in Onslow. The Bishop enters into a long history of the handling of the school lands in this township from the beginning, in explanation of the course pursued regarding the lands.
- April 19. To E. A. Cotton. Respecting the activity of the Colonial Church Society, which the Bishop considered hurtful within his diocese. He requests that this Society may take some other field for the exercise of its benevolent interests and intentions.
- July 30. To Viscount Falkland. Advising him that the Rev. W. C. King, missionary at Windsor desires to retire on the 1<sup>st</sup> October following. He has had 45 years service. The Bishop recommends £100 per annum pension.
- July 27. Rev. W. C. King to Viscount Falkland. Resigning his charge and asking for a pension of £200, which he was assured of, if incapacitated by age or infirmity. He regrets the adverse views of the Bishop.
- August 3. The Bishop of Nova Scotia to the Society for the Propagation of the Gospel. Recommending the acceptance of Mr. King's resignation, and regretting that for certain reasons he cannot recommend a pension for over £100 a year.
- August 20. To Viscount Falkland. Criticising a list of questions which are being asked of various persons respecting school lands.
- September 30. To Archbishop of Canterbury. Enclosing a communication from Chief Justice Chipman of New Brunswick respecting the appointment of a bishop for that province. Sir John Harvey was convinced that it would be desirable to obtain some clergymen of means sufficient to make the salary a matter of indifference. Sir William Colebrooke is of the same opinion. Having just returned from that Province he can testify to the prevalence there of an excellent feeling towards the Church. Samuel Scovil, who is related to several of the clergy in New Brunswick, desires to donate by his will for the maintenance of a bishop, a property now worth £5,000, and which will increase in value. The Bishop asks that Chief Justice Chipman be made an incorporated member of the Society for the Propagation of the Gospel.
- November 27. To Lieut. Governor of New Brunswick. Gratitude to Colonial Secretary for his desire to secure the interests of the Church when any Colonial legislation is proposed. After careful consideration he has no objection to the Act of the Legislature of New Brunswick relating to the Parish of Portland.
1842.  
January 26. To Viscount Falkland. Respecting a despatch from Lord Stanley asking the Bishop whether he would acquiesce in his exclusion from the Board of Governors of Dalhousie College, a bill relating to which is now under consideration. The Bishop cannot feel warranted in acquiescence.
- January 26. To Viscount Falkland. (Private). Commenting on the Dalhousie College Act. He criticises it as not conforming to Lord Dalhousie's views as expressed in his letter to Dr. McCulloch. The personnel of the Board of Governors is animadverted upon, and the degree conferring powers, which he observes to be an addition to the new Act.
- March 1. To Vice Admiral Sir Charles Adam. Applying for a vessel to enable him to visit parishes on the Gulf of St. Lawrence, and in other districts otherwise inaccessible.



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March 5.

To Archbishop of Canterbury. After receipt of His Lordship's letter, he communicated with the Lieut. Governor and Chief Justice of New Brunswick on the question of a bishop for that Province. He encloses a letter from the Chief Justice leaving the matter in the hands of the Archbishop. A lady at Digby has conveyed by deed a house and 2 acres of ground in that town for the support of a Rector there.

Fredericton,  
January 31.

Chief Justice Chipman to the Bishop of Nova Scotia. (Enclosed in foregoing). Stating objections to opening a subscription for a fund in aid of a separate bishop for New Brunswick. (1) The Lieut. Governor is against it, as he proposes applying to the Legislature, agreeing, if necessary, to similar aid being extended to other denominations. He hopes for some advantage from this course. (2) There is not sufficient assurance that the clergyman selected will be from among the clergy of England. (3) The fear that there may be an agitation in favour of Dr. Jacob, among the part of the clergy favourable to the Colonial Church Society.

March 15.

To Lieutenant Governor of Nova Scotia. Enclosing a statement respecting the Yarmouth glebe, and a copy of the lease of the Parade ground from the Rector and Churchwardens to the Commanding Officer of Militia. The wardens desire to regain control of the property.

December 19.

Chief Justice of New Brunswick to the Bishop of Nova Scotia. Respecting a subscription for a fund to assist in the maintenance of a bishop in New Brunswick. The Chief Justice states that a certain clergyman gave out two years before that he had the promise of the appointment, and there has been no contradiction so far. This person, according to prevailing opinion, is unsuited to the office. Hence the subscriptions are made dependent on the appointment being made from among the clergy in the Mother Country. The management of the subscriptions is being intrusted to various hands.

May 5. 1843.

To Rev. Mr. Jenkins. Hears of a new missionary coming to Prince Edward Island. As this is the first intimation, fears he may have been sent out by the Colonial Church Society. If so he will be much concerned. Warns Mr. Jenkins, and through him, the other clergy, against admitting to their pulpits any person unlicensed by the Bishop. Mr. Jenkins is to give no institution, except by instruction from the Bishop.

November 9.

To Sir Rupert George. In compliance with a request for an explanation which will enable the Colonial Secretary to decide whether the expense of the trip taken by the Bishop and his chaplain in July and August previous should be borne by the public.

May 10. 1844.

To Lieut. Governor of Nova Scotia. As to the powers of the Lieut. Governor and Council to divide existing parishes under the Act of 1759. Doubts have been suggested by the Attorney General as to whether the Act, in authorizing the creation of new parishes, also empowered the Lieut. Governor and Council to divide parishes, or to create new parishes within the limits of old ones. By way of argument for the power, he points out that in contradistinction with the facts in Great Britain, a parish here is merely an ecclesiastical division having no applicability outside the members of the Church of England.

September 21.

To Lieut. Governor of Nova Scotia. Asking for the removal of the building, called the Gun House, from the Glebe property in Yarmouth.



## SESSIONAL PAPER No. 29b

- March 27. To Lieut. Governor, Prince Edward Island. Respecting Mr. Lally and the school at Georgetown. The Bishop is prepared to assist as far as may be consistent with the principle that, in the application of the School fund, shares should be allotted according to the produce from the Glebe lands in the district applying.
1845.  
September 15. To Chief Justice Jarvis. Respecting the son of the Chief Justice, who is turning towards the Church as a profession.
- December 27. To Archbishop of Canterbury. Forwarding a memorial from the Governor of King's College, Windsor, to the Colonial Secretary, and asking him to support it and thus save the College from what would seem impending ruin.
- December 29. To the Archbishop of Canterbury. (Private.) A lengthy statement of the case for the College at Windsor. After explaining the reason for the feebleness of the position, due to the Dissenters on the governing board, and the attitude of the Lieut. Governor, he discusses the political advantages of the Church. "If the large proportion of proved Loyalists at the close of the Revolutionary War, who belong to the Church, were duly regarded; if the similar proportion of Churchmen among the unflinching Loyalists in the late Canadian Rebellion, were kept in view,—and if a like proportion among the friends of England in Foreign America, who belong to the Protestant Episcopal Church, should be kept in view, this practical view would supply evidence that even the political effect of a due support of the Colonial Church is not undeserving of the attention of Government." He then takes up the stimulus given to higher education throughout the Province, by the high standard of Windsor, and the inadequacy of land grants to furnish proper maintenance. "It has some times been urged, as a reason against grants from Parliament for objects in these Colonies that their separation from England must be considered a probable event at some future day. This apprehension does not interfere with large expenditures made, no doubt with good judgment, for their defence against an invading enemy. The fortifications thus erected will probably be instrumental in postponing the period of such separation. The sound principles; the pure religion; the warm loyalty which our institution has cherished and will continue to cherish, may be as instrumental as fortifications in retaining the connection which now happily subsists between the parent and the child, while the expense is as nothing." There is no argument adduced in support of grants to Maynooth which might not be applied to King's College.
1847.  
December 1. To Rev. R. F. Uniacke. With reference to the Colonial Church Society.
1848.  
May 3. To Archbishop of Canterbury. Congratulations to the new Archbishop (Sumner), and a statement of his relation to the King's College.
1849.  
April 6. To Archbishop of Canterbury. An attempt is being made to give Legislative recognition to what appears to be an exercise of supremacy on the part of the Pope. Forwards a copy of the bill to incorporate the Roman Catholic Bishop in Halifax, together with his protests, and asks for guidance.







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# PORT DE LOUISBOURG

Levé par le Ch<sup>e</sup> de la Rigaudière  
Lieut<sup>e</sup> de Vaisseaux du Roy

PARIS Chez le S<sup>r</sup> le Rouge rue des gr<sup>s</sup> Augustins.

Renvoy

- |                            |                        |
|----------------------------|------------------------|
| A Bastion du Roy           | D Bastion Braulian     |
| B Bastion de la Reine      | E Bastion Maurepas     |
| C Demi Bastion de la Reine | F Demi Bastion Dauphin |
| G Magasin du Roy           |                        |
| H Hopital                  |                        |
| I Recolets                 |                        |

